

JUDICIAL COUNCIL OF GEORGIA

General Session

Wednesday, August 8, 2018

10 a.m. – 12:30 p.m.



Hilton Atlanta/Marietta Hotel & Conference Center

500 Powder Springs Street

Marietta, GA 30064

Judicial Council of Georgia
General Session

Hilton Atlanta/Marietta Hotel & Conference Center
500 Powder Springs Road
Marietta, GA 30064

Wednesday, August 8, 2018

10 a.m. – 12:30 p.m.

Lunch will be served immediately following the Council meeting

1. Preliminary Remarks and Introductions

(Chief Justice P. Harris Hines, Est. Time – 5 Min.)

2. Approval of Minutes, April 27, 2018 *(Action Item)*

TAB 1

(Chief Justice P. Harris Hines, Est. Time – 2 Min.)

3. Law Day Coloring Contest Winners Award Ceremony

(Chief Justice P. Harris Hines, Est. Time – 10 Min.)

4. Georgia Judicial Services Portal

(Mr. Jorge Basto, Est. Time – 10 Min)

5. Judicial Council Committee Reports

A. Records Retention Committee *(Action Item)*

TAB 2

(Justice Nels Peterson, Est. Time – 7 Min.)

B. Court Reporting Matters Committee *(Action Item and Update)*

TAB 3

(Vice Chief Judge Christopher McFadden, Est. Time – 10 Min.)

C. Judicial Workload Assessment Committee *(Action Item)*

TAB 4

(Judge David T. Emerson and Mr. Christopher Hansard, Est. Time – 25 Min.)

D. Legislation Committee *(Action Item)*

TAB 5

(Presiding Justice Harold D. Melton, Est. Time – 10 Min.)

E. Budget Committee *(Action Item)*

TAB 6

(Presiding Justice Harold D. Melton, Est. Time – 10 Min.)

F. Process Servers Committee *(Action Item)*

TAB 7

(Judge Shawn E. LaGrua, Est. Time – 7 Min.)

G. Technology Committee

TAB 8

(Presiding Justice Harold D. Melton, Est. Time – 5 Min.)

H. Misdemeanor Bail Reform Committee ([Final Report](#))

TAB 9

(Judge Wayne Purdom, Est. Time – 10 Min.)

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|--|---------------|
| I. Grants Committee | TAB 10 |
| J. Strategic Plan Committee | TAB 10 |
| 6. Report from Judicial Council/AOC
(Ms. Cynthia H. Clanton, Est. Time – 10 Min.) | TAB 11 |
| 7. Reports from Appellate Courts, Trial Court Councils & State Bar
(Est. Time – 15 min.) | TAB 12 |
| A. Supreme Court | |
| B. Court of Appeals | |
| C. Council of Superior Court Judges | |
| D. Council of State Court Judges | |
| E. Council of Juvenile Court Judges | |
| F. Council of Probate Court Judges | |
| G. Council of Magistrate Court Judges | |
| H. Council of Municipal Court Judges | |
| I. State Bar of Georgia | |
| 8. Reports from additional Judicial Branch Agencies (Est. Time – 5 Min.) | TAB 13 |
| A. Council of Accountability Court Judges | |
| B. Georgia Commission on Dispute Resolution | |
| C. Council of Superior Court Clerks | |
| D. Chief Justice’s Commission on Professionalism | |
| E. Georgia Council of Court Administrators | |
| F. Institute of Continuing Judicial Education | |
| 9. Old/New Business
(Chief Justice P. Harris Hines, Est. Time – 5 Min.) | |
| 10. Concluding Remarks and Adjournment
(Chief Justice P. Harris Hines, Est. Time – 5 Min.) | |
| <i>**A group photo will be taken immediately following the meeting</i> | |

Next Judicial Council Meetings 2018

*Friday, October 19, 2018 12 p.m. – 5 p.m. ~~Middle Georgia College/Macon, GA~~

*teleconference, if needed.

Friday, December 7, 2018 10 a.m. – 2 p.m. Sloppy Floyd Building/Atlanta, GA

Judicial Council Meeting Calendar – 2019 *NEW*****

Friday, February 15, 2019	10 a.m. – 2 p.m.	Sloppy Floyd Building/Atlanta, GA
Friday, April 26, 2019	10 a.m. – 2 p.m.	Columbus Convention & Trade Center/Columbus, GA
Friday, August 23, 2019	10 a.m. – 2 p.m.	Anderson Conference Center/Macon, GA
Friday, December 6, 2019	10 a.m. – 2 p.m.	The Carter Center/Atlanta, GA

Judicial Council Members

As of July, 2018

Supreme Court

Chief Justice P. Harris Hines
Chair, Judicial Council
507 State Judicial Building
Atlanta, GA 30334
404-656-3475/F 657-9586
hinesph@gasupreme.us

Presiding Justice Harold D. Melton
Vice-Chair, Judicial Council
501 State Judicial Building
Atlanta, GA 30334
404-657-3472/F 651-8642
meltonh@gasupreme.us

Court of Appeals

Chief Judge Stephen L.A. Dillard
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-657-9405/F 657-8893
dillards@gaappeals.us

Vice Chief Judge Christopher McFadden
47 Trinity Avenue, Suite 501
Atlanta, GA 30334
404-656-3450/F 651-6187
mcfaddenc@gaappeals.us

Superior Court

Judge Stephen D. Kelley
President, CSCJ
Brunswick Judicial Circuit
701 H Street, Suite 201
Brunswick, GA 31520
912-554-7372/F 264-8145
skelley@glynncounty-ga.gov

Judge Shawn E. LaGrua
President-Elect, CSCJ
Atlanta Judicial Circuit
185 Central Avenue SW, STE T8855
Atlanta, GA 30303
404-612-8460/F 612-2625
shawn.lagrua@fultoncountyga.gov

Judge Jeffrey H. Kight
Waycross Judicial Circuit, 1st JAD
Ware County Courthouse
800 Church Street, STE B202
Waycross, GA 31501
912-287-4330/F 544-9857
jhkight@gmail.com

Judge James G. Tunison, Jr.
Southern Judicial Circuit, 2nd JAD
327 Ashley Street
Valdosta, GA 31601
229-333-5130/F 245-5223
jgtunison@gmail.com

Judge Arthur Lee Smith
Chattahoochee Judicial Circuit, 3rd JAD
PO Box 1340
Columbus, GA 31902
706-653-4273/F 653-4569
arthursmith@columbusga.org

Judge Courtney Lynn Johnson
Stone Mountain Judicial Circuit, 4th JAD
7240 DeKalb County Courthouse
556 N. McDonough Street
Decatur, GA 30030
404-371-2457/F 687-3511
cljohnso@dekalbcountyga.gov

Judge Robert C.I. McBurney
Atlanta Judicial Circuit, 5th JAD
T8955 Justice Center Tower
185 Central Avenue SW STE T-5705
Atlanta, GA 30303
404-612-6907/F 332-0337
robert.mcburney@fultoncountyga.gov

Judge Geronda V. Carter
Clayton Judicial Circuit, 6th JAD
Harold R. Banke Justice Center
9151 Tara Boulevard
Jonesboro, GA 30236
770-477-3432/F 473-5827
geronda.carter@claytoncountyga.gov

Judge Ralph Van Pelt, Jr.
Lookout Mountain Judicial Circuit, 7th JAD
875 LaFayette Street, Room 206
Ringgold, GA 30736
706-965-4047/F 965-6246
chall@lmjc.net

Judge Donald W. Gillis
Dublin Judicial Circuit, 8th JAD
PO Box 2016
Dublin, GA 31040
478-275-7715/F 275-2984
gillisd@eighthdistrict.org

Judge Bonnie Chessher Oliver
Northeastern Judicial Circuit, 9th JAD
P.O. Box 409
Gainesville, GA 30503
770-297-2333/F 822-8662
boliver@hallcounty.org

Judge Carl C. Brown
Augusta Judicial Circuit, 10th JAD
735 James Brown Blvd., Suite 4203
Augusta, GA 30901
706-821-2347/F 721-4476
kcampbell@augustaga.gov

State Court

Judge Nancy Bills
President, CStCJ
Rockdale County
922 Court Street, Room 305
Conyers, GA 30012
770-278-7724/ F 918-6695
nancy.bills@rockdalecountyga.gov

Judge Joseph C. Iannazzone
President-Elect, CStCJ
Gwinnett County
75 Langley Drive
Lawrenceville, GA 30045
770-822-8550/F 822-8684
joseph.iannazzone@gwinnettcountry.com

Juvenile Court

Judge Philip Spivey
President, CJCJ
Ocmulgee Judicial Circuit
P.O. Box 1810
Milledgeville, GA 31059
478-445-7060/F 445-7059
spiveyp@eighthdistrict.org

Judge Juliette Scales
President-Elect, CJCJ
Atlanta Judicial Circuit
Roma T. Powell Juvenile Justice Center
395 Pryor Street SW, STE 3056
Atlanta, GA 30312
404-613-4823/F 893-0750
juliette.scales@fultoncountyga.gov

Probate Court

Judge Sarah S. Harris
President, CPCJ
Bibb County
P.O. Box 6518
Macon, GA 31208-6518
478-621-6494/F 621-6686
sharris@maconbibb.us

Judge Torri M. Hudson
President-Elect, CPCJ
Treutlen County
650 2nd Street S., STE 101
Soperton, GA 30457
912-529-3342/F 529-6838
tj4treutlen@yahoo.com

Magistrate Court

Judge Glenda Dowling
President, CMCJ
Pierce County
3550 US Hwy 84, STE 2
Blackshear, GA 30045-6900
912-449-2027/F 449-2103
glenda.dowling@piercecounyga.gov

Judge Joyette Holmes
First Vice-President, CMCJ
Cobb County
32 Waddell Street
Marietta, GA 30090
770-528-8924/F 528-8947
joyette.holmes@cobbcounty.org

Municipal Courts

Judge Matthew McCord
President, CMuCJ
Municipal Court of Stockbridge
4602 North Henry Blvd
Stockbridge, GA 30281
770-389-7906/F 389-7969
Matt@Matthewmccordlaw.com

Judge Dale R. "Bubba" Samuels
President-Elect, CMuCJ
Municipal Court of Monroe
PO Box 1926
Buford, GA 30515
678-482-0208/F 770-267-8386
bubba@bubbasaamuels.com

State Bar of Georgia

Mr. Kenneth B. Hodges
President, State Bar of Georgia
Ken Hodges Law
2719 Buford Highway NE
Atlanta, GA 30324
404-692-0488/F 321-1713
ken@kenhodgeslaw.com

Administrative Office of the Courts

244 Washington St. SW, Suite 300 Atlanta, GA 30334

Cynthia H. Clanton, Director
404-656-5171

As of July, 2018

Director's Office

Administration

Tara Smith
404-463-3820

Budget

Maleia Wilson
404-656-6404

Governmental and Trial Court Liaison

Tracy Mason
404-463-0559

Tyler Mashburn
404-651-7616

Robert Aycock
404-463-1023

LaShawn Murphy
404-651-6325

James Rodatus
404-656-5453

Human Resources

Stephanie Hines
404-657-7469

Jacqueline Booker
404-463-0638

General Counsel

Jessica Farah
404-463-3805

Meisa Pace
404-463-3821

Alison Lerner
404-657-4219

Anne Sanford
404-463-3805

Judicial Services

Christopher Hansard
Division Director
404-463-1871

Tynesha Manuel
404-232-1857

Shimike Dodson
404-656-2614

Research and Data Analysis

Matthew Bishop
404-656-0371

Jeffrey Thorpe
404-656-6413

Callie Weir
404-463-6887

Court Professionals

John Botero
404-463-3785

Bianca Bennett
404-651-8707

Angela Choyce
404-463-6478

Herbert Gordon
404-653-3789

Amber Richardson
404-232-1409

Communications, Children, Families & the Courts

Michelle Barclay
Division Director
404-657-9219

Jerry Bruce
404-656-5169

Patricia Buonodono
404-463-0044

Peter Faile
404-656-0371

Elaine Johnson
404-463-6383

Paula Myrick
404-463-6480

Bruce Shaw
404-463-6106

Ashley Stollar
404-656-6783

Financial Administration

Drew Townsend
CFO/Division Director
404-651-7813

Kevin Brock
404-463-9016

Kim Burley
404-463-3816

Monte Harris
404-656-6691

Janice Harkins
404-463-1907

Tanya Osby
404-463-0237

Tax Intercept

Matthew Kloiber
404-463-5177

Information Technology

Jorge Basto
Division Director
404-657-9673

Willie Alcantara
404-519-9989

Bradley Allen
404-657-1770

Stephanie Cooper
404-227-2395

Angela He
404-651-8169

Kristy King
404-651-8180

Christina Liu
404-651-8180

Tony Mazza
404-904-0598

Michael Neuren
404-657-4218

Wanda Paul
404-538-0849

Sterling Perry
470-446-3930

Kriste Pope
404-731-1358

Arnold Schoenberg
404-463-6342

Pete Tyo
404-731-1357

Jill Zhang
404-463-6343

Georgia Judicial Exchange

Christopher Cutts
770-733-9404

Tajsha Dekine
404-656-3479



DIRECTIONS TO THE HOTEL & CONFERENCE CENTER

From the North: Take I-75 South to Exit #265. Turn right on N. Marietta Pkwy which turns into Powder Springs Street. Travel 3.5 miles. Hotel entrance is on the right.

From the South: Take I-75 North to Exit #265. Turn left on N. Marietta Pkwy which turns into Powder Springs Street. Travel 3.5 miles. Hotel entrance is on the right.

From the East: Take I-20 West to I-75 North to Exit #265. Turn left on N. Marietta Pkwy which turns into Powder Springs Street. Travel 3.5 miles. Hotel entrance is on the right.

From the West: Take I-20 East to I-75 North to Exit #265. Turn left on N. Marietta Parkway which turns into Powder Springs Street. Travel 3.5 miles. Hotel entrance is on the right.

Judicial Council of Georgia
General Session
UGA Hotel & Conference Center Athens, GA
April 27, 2018 • 1:00 p.m.

Members Present

Presiding Justice Harold D. Melton, Chair
(for Chief Justice P. Harris Hines)
Judge Geronda Carter (for Judge Brian Amero)
Judge Rooney Bowen
Judge Carl C. Brown
Judge Glenda Dowling
Judge Gregory Fowler
Judge Donald W. Gillis
Judge Stephen Goss
Judge James M. Griner, Jr.
Judge Sarah Harris
Judge Nancy Bills
Judge Dale “Bubba” Samuels (Judge LaTisha Dear Jackson)
Judge Tangela Barrie (for Judge Courtney Johnson)
Judge Stephen Kelley
Judge Matthew McCord
Vice-Chief Judge Christopher McFadden
Justice David Nahmias
Judge Bonnie Chessher Oliver
Judge Kathy S. Palmer
Judge Jack Partain
Judge Stephen Scarlett

Judge Arthur Lee Smith
Judge Philip Spivey
Judge Robert C.I. McBurney
Judge James Whitfield

Members Absent

Chief Judge Stephen L.A. Dillard
Mr. Brian “Buck” Rogers

Staff Present

Ms. Cynthia Clanton, Director
Mr. Robert Aycock
Mr. John Botero
Mr. Christopher Hansard
Ms. Stephanie Hines
Mr. Tyler Mashburn
Ms. Tracy Mason
Mr. Tony Mazza
Ms. LaShawn Murphy
Ms. Tara Smith
Ms. Ashley Stollar

Guests (Appended)

Call to Order and Welcome

The meeting of the Judicial Council of Georgia (Council) was called to order at 1:03 p.m. by Presiding Justice Melton. He welcomed everyone and explained that he was sitting in as Chair for Chief Justice Hines and Justice Nahmias was sitting in as Vice Chair. Presiding Justice Melton administered the oath of service to Judge McBurney, who became a member in February but was unable to attend the Council’s last meeting to be sworn in. Presiding Justice Melton

recognized those judges sitting in as designees for absent members¹. Members and designees identified themselves for the purposes of roll call, followed by staff and guests.

Adoption of Minutes – February 23, 2018

Presiding Justice Melton directed the Council’s attention to the minutes of the February 23, 2018, meeting. A motion to approve the minutes was offered by Judge Fowler, followed by a second from Judge McCord. No discussion was offered and the motion was approved without opposition.

Legislative Remarks: Senator Bill Cowsert

Senator Cowsert spoke to the Council about the State Senate and highlighted major items addressed during the 2018 legislative session, including criminal justice reform, civil e-filing, statewide business court, and the State budget. He expressed the value of hearing from the judiciary as a means to educate the legislature. Presiding Justice Melton thanked Senator Cowsert for his work and for speaking to the Council.

Office of State Administrative Hearings

Judge Amanda Baxter spoke to the Council about the work of the Office of State Administrative Hearings (OSAH). She highlighted changes to OSAH’s operations and duties made by House Bill 790 and encouraged judges and staff to reach out to OSAH with any needs.

JQC Presentation: Do’s and Don’ts for Judicial Campaigns

Mr. Max Jones spoke to the Council about the recent work of the Judicial Qualifications Commission (JQC). Mr. Jones highlighted several resources available to judges from the JQC, including the “Do’s and Don’ts for Judicial Campaigns” handout provided in the materials and the Commission’s Annual Report. Mr. Jones also spoke to recent technology updates, including updates to the JQC’s website and a secure portal used for distributing meeting materials.

Committee Reports

Legislation Committee. Presiding Justice Melton referred to the written report provided in the materials. He reviewed the final status of each item supported by the Judicial Council this year, providing details of each item. In reference to the passage of SB 407, Justice Melton observed that the legislature is increasingly looking to the Judicial Council for guidance and to place responsibilities with. He announced that the Committee will meet on July 13 to begin

¹ See Members Present

preparations for the 2019 legislative session and asked that proposals continue to be vetted through the Committee process as it helps everyone speak with a unified voice.

Budget Committee. Presiding Justice Melton stated that this was the Council's most successful budget year, with all four enhancement requests funded in the FY 2019 budget. He announced that White Papers for the next budget cycle will be accepted through June 15 and the Committee will meet on July 13 to begin preparations for the 2019 legislative session.

Technology Committee. Presiding Justice Melton reported that the single-sign on portal went live on March and will be published on May 7. The Committee's next meeting will include discussion of rules and standards for civil e-filing in regards to the directives made in SB 407.

Court Reporting Matters Committee. Judge McFadden presented the proposed draft *Policies and Fees for Court Reporting Services in Civil Cases*. A public comment period will be held from May 1 through June 15.

Grants Committee. A written report was provided in the materials.

Misdemeanor Bail Reform Committee. Judge McCord reported that the Committee will sunset on June 30. He reviewed the committee's recommendations that were incorporated into SB 407 by the Criminal Justice Reform Council, as well as non-statutory recommendations included in the Council's final report.

Presiding Justice Melton called for a break; the meeting reconvened at 2:40 p.m. Mr. Doug Ashworth was recognized to speak to staffing changes at the Institute of Continuing Judicial Education (ICJE); he introduced Ms. Laura Kathryne Hogan and thanked Ms. Tiffany Sargent for her years of service to ICJE. Ms. Hogan and Ms. Sargent made brief remarks to the Council.

Reports from the Judicial Council/AOC

Ms. Clanton provided an update on current work and services of the AOC, including human resources and legal assistance to several councils, new positions in Information Technology, the finalization of the annual caseload reporting process, and recent projects for Communications. She recognized recent events and meetings held by courts and councils and spoke to upcoming transitions in the appellate courts following the nomination of several judges to the federal bench. Ms. Clanton closed her remarks by stating the agency's continuing commitment to serving the judiciary and asked that members let her know of any questions or concerns they may have.

Reports from Appellate Courts and Trial Court Councils

Supreme Court. Presiding Justice Melton reported that the Court and State Bar recently held a retreat. He recognized the work of Justice Blackwell to streamline court rules, Justice Grant's nomination to the federal bench, and Justice Boggs' recognition by the U.S. House of Representatives for his work on criminal justice reform. Justice Melton stated that the Court is scheduling dates for Oral Arguments in locations around the state.

Court of Appeals. Judge McFadden delivered a report on behalf of the Court.

Council of Superior Court Judges. Judge Palmer referred members to the written report provided in the materials.

Council of State Court Judges. Judge Fowler referred members to the written report provided in the materials.

Council of Juvenile Court Judges. Judge Whitfield referred members to the written report provided in the materials. He recognized the passing of Judge Buddy Welch.

Council of Probate Court Judges. Judge Bowen referred members to the written report provided in the materials.

Council of Magistrate Court Judges. Judge Griner referred members to the written report provided in the materials.

Council of Municipal Court Judges. Judge McCord expressed regards from Judge Dear Jackson who was unable to attend, and referred members to the written report provided in the materials.

Presiding Justice Melton expressed his appreciation to each President as this was their final meeting as members of the Council.

State Bar of Georgia. Ms. Christine Hayes was recognized to deliver a report on behalf of the State Bar.

Council of Accountability Court Judges. Judge Goss referred members to the written report provided in the materials.

Institute of Continuing Judicial Education. No report was provided.

Georgia Commission on Dispute Resolution. A written report was provided in the materials.

Council of Superior Court Clerks. Mr. Mike Holiman referred members to the written report provided in the materials.

Chief Justice's Commission on Professionalism. Ms. Karlise Grier announced an upcoming CLE/CJE opportunity.

Council of Superior Court Clerks. Mr. Mike Holiman reported that the Council had recently completed its spring conference and spoke to the civil e-filing provisions of SB 407. Justice Melton asked Mr. Holiman to express the Council's appreciation to outgoing President Tina Blankenship.

Georgia Council of Court Administrators. Ms. Tracy Johnson reported that the GCCA is preparing for the National Association for Court Management conference to be held in Atlanta in July.

Old Business

No old business was offered.

New Business

No new business was offered.

Concluding Remarks

Justice Melton recognized outgoing members and presented each with a certificate of appreciation for their service on the Council. The next meeting will be held on August 8, 2018, at 10 a.m. in Marietta.

Adjournment

Hearing no further business, Presiding Justice Melton adjourned the meeting at 3:06 p.m.

Respectfully submitted:

Tracy Mason
Assistant Director, Judicial Council/AOC
For Cynthia H. Clanton, Director and Secretary

The above and foregoing minutes
were approved on the _____ day of
_____, 2018.

P. Harris Hines
Chief Justice

DRAFT

Judicial Council of Georgia
General Session
UGA Hotel & Conference Center – Room K/L
April 27, 2018 • 12:00 p.m.

Guests Present

Mr. Doug Ashworth, Institute of Continuing Judicial Education
Mr. Joe Baden, Third Judicial Administrative District
Ms. Tee Barnes, Supreme Court of Georgia
Judge Amanda Baxter, Office of State Administrative Hearings
Mr. Josh Becker, Council of Accountability Court Judges
Mr. Tracy J. BeMent, Tenth Judicial Administrative District
Mr. Bob Bray, Council of State Court Judges
Mr. Richard F. Denney, First Judicial Administrative District
Mr. Steven Ferrell, Ninth Judicial Administrative District
Ms. Carol Fowler, spouse of Judge Gregory Fowler
Ms. Karlise Grier, Chief Justice Commission on Professionalism
Mr. Kevin Holder, Council of Probate Court Judges
Mr. Joe Hood, Criminal Justice Coordinating Council
Mr. Mike Holiman, Council of Superior Court Clerks
Judge Joe Iannazzone, Council of State Court Judges
Mr. Eric John, Council of Juvenile Court Judges
Ms. Tracy Johnson, Georgia Office of Dispute Resolution
Mr. Max Jones, Judicial Qualifications Commission
Judge Jeffrey Kight, Council of Superior Court Judges
Ms. Porcia Lockett, Office of State Administrative Hearings
Ms. Cindy Mason, Council of Superior Court Clerks
Ms. Cathy McCumber, Fourth Judicial Administrative District
Mr. Charles Miller, Council of Superior Court Judges
Mr. David Mixon, Second Judicial Administrative District
Ms. Jody Overcash, Seventh Judicial Administrative District
Ms. Sharon Reiss, Council of Magistrate Court Judges
Judge Juliette Scales, Council of Juvenile Court Judges
Mr. William Simmons, Sixth Judicial Administrative District
Mr. Pete Skandalakis, Prosecuting Attorneys Council of Georgia
Mr. Robert Smith, Prosecuting Attorneys' Council
Ms. Kirsten Wallace, Council of Juvenile Court Judges
Mr. Shannon Weathers, Council of Superior Court Judges
Mr. Brian Wilson, Council of Superior Court Judges



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Justice Nels Peterson
Chair, Ad Hoc Committee on Records Retention

RE: Official Judicial Branch Records Retention Schedules

DATE: June 29, 2018

Introduction

The Chief Justice created the Ad Hoc Committee on Records Retention (Committee) on June 23, 2016. The Committee included members from every class of court, a superior court clerk, and the State Bar. As provided in Judicial Council Bylaws, the Chair appointed advisory members, including additional superior court clerks and representatives of the Public Defender Council, Prosecuting Attorneys' Council, court administrators, and the State Archives.

The Committee's charge was to recommend changes to the judicial branch records retention schedules and make any other recommendations to the Judicial Council regarding records retention that the Committee deems appropriate. The Committee was extended several times, concluding its work on December 21, 2017. This memo presents the Committee's recommendations to the Judicial Council for its consideration. The Supreme Court approved the schedules on June 14, 2018.

Recommendations

1. The Committee recommends that the Judicial Council approve the attached *Official Judicial Branch Record Retention Schedules* and forward them to the Judicial Council and State Records Committee for their review.

The following is a list of the major changes recommended by the Committee. This list is not inclusive of all recommended changes.

A. The schedules now clarify that all records can be kept and managed completely electronically.

- B. Felony Records – All felony case retentions, including court reporters' notes and habeas corpus documents are either permanent (capital offenses) or 70 years (all others).
- C. Misdemeanor and Traffic Records – All misdemeanor and traffic case retentions are a 10-year retention period for consistency.
- D. Civil Records – Civil case retentions are lower for general civil cases (20 years) and longer for domestic matters (75 years or permanent if an adoption). These changes represent varying degrees of combining and splitting certain categories from the current schedules.
- E. Jury Management Records – Jury management file retentions reflect new jury case law and to eliminate obsolete record types.
- F. Property Records – No substantive changes.
- G. Attorney Records – Attorney file retentions require third year law student file be kept 70 years.
- H. Election Records – No substantive changes.
- I. Other Records – Other records retentions require newspapers continuing legal advertisements to be kept for 50 years in compliance with state law.
- J. All Court Records – All court record retentions have been consolidated from other records that better fit into this category. Schedules for accountability, pre-trial, ADR, and other types of programs were created, and court calendar schedules were moved from other areas into this section.
- K. Juvenile Records – Juvenile record retentions have changed. Delinquency and dependency retention are no more than 25 years or, if dependency, 10 years after the last action. Probation records are no more than 5 years after probation terminates.
- L. Probate Records – Involuntary commitment record retention is 75 years, elections records is 6 years, and wills have been merged with estates and kept as permanent.

M. Magistrate Records – Clarification on the description of arrest and search warrants, good behavior bonds, and transcripts were added.

N. Prosecuting Attorney Records – No substantive changes.

O. Municipal Records – Municipal records had not officially been a part of the Judicial Branch Schedules before. They were only included in local government schedules. They have been included here and made to be largely but not completely consistent with misdemeanor and traffic records.

P. Administrative Records Retention Schedules – These schedules are the exact same as the current Executive Branch schedules. The last time the Judicial Branch updated the administrative schedules (2004), the Court adopted the Executive Branch schedules as written. There have been minor changes since then. The Committee recommends adopting the Executive Schedules without amendment.

Each affected class of court has voted to approve these schedules in their entirety.

2. The Committee recommends that the Judicial Council consider whether steps should be taken to ensure that Georgia courts own and maintain back up audio, notes, unfinished transcripts, and other documents used by court reporters to create certified transcripts.

A. The Committee has recommended a retention period of 70 years for documents of recordings, notes, or other documents relating to the generation of certified transcripts for felony cases. The Committee is concerned about the ability of court reporters to maintain records for that period of time, but the Committee decided that issues related to court reporting policy were outside the scope of its work. Therefore, the Committee decided to recommend that the Judicial Council work with the appropriate judicial and legislative stakeholders to determine what, if any, changes need to be made to court reporting statutes, policies, and rules to ensure that courts are not faced with losing important records.

**Official Judicial Branch
Records Retention Schedules**



Official Judicial Branch Court Records Retention Schedules

The Supreme Court and Judicial Council of Georgia resolve that, other than wills, original evidence, and federal tax liens, all original documents can be digitized and originals can be destroyed provided that (1) digitizing or microfilming is done according to Georgia Imaging Standards or Microfilm Standards; (2) a security copy of the digital format or microfilm is deposited in the Georgia Department of Archives and History; (3) a reference copy of the digital format or microfilm format is kept in the office of the clerk of superior court and a reader-printer is available to facilitate reference. Records created digitally can be managed completely digitally according to these schedules. The Court and Council also affirm, pursuant to OCGA § 50-18-120, the resolution approved by the State Records Committee on January 18, 1996, stating: "All paper records of State agencies and local governments, and all records of the Courts of the State of Georgia which have been microfilmed and verified in accordance with said Micrographic Standards (Georgia Micrographic Standards) may be destroyed, unless specifically prohibited by law, code, resolution, order or an approved State Records Committee records retention schedule."

Throughout these schedules the word "document" is used frequently. The Georgia Records Act at OCGA § 50-18-90 et seq. presents a number of formal definitions used broadly in the judiciary record retention schedules.

OCGA § 50-18-91 (2) "Court record" means all documents, papers, letters, maps, books (except books formally organized in libraries), microfilm, magnetic tape, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or, in the necessary performance of any judicial function, created or received by an official of the Supreme Court, Court of Appeals, and any superior, state, juvenile, probate, or magistrate court. "Court record" includes records of the offices of the judge, clerk, prosecuting attorney, public defender, court reporter, or any employee of the court.

OCGA § 50-18-91 (5) "Records" means all documents, papers, letters, maps, books (except books in formally organized libraries), microfilm, magnetic tape, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in performance of functions by any agency.

"Digital" or "Digitize" has been changed on each occurrence of "microfilm" throughout the retention schedules. This change reflects the application of scanning documents into electronic format. All imaging in the Judicial Branch must be in compliance with the imaging standards issued by the Department of Archives and History in the Board of Regents of the University System of Georgia.

Felony Records

Record Type	Description	Retention	Schedule Number
Felony Case Files	Documents relating to trying felony cases in superior courts and documenting proceedings in those cases. Included are indictments; pleadings; motions; warrants; bond applications; sentences; correspondence; verbatim records or narrative recollections of judicial proceedings; certified records of court reporters' transcripts; certified records in narrative form of recollections of the motions, colloquies, objections, rulings, evidence (documentary or otherwise), charge of the court; well-bound books used to contain court reporters' transcripts of judicial proceedings; passport surrenders; and all other papers and proceedings in any judicial action based on a charge of felony offense punished by any term of imprisonment less than life, life imprisonment, or death.	Capital Offenses: Permanent. Non-capital Offenses: 70 years after disposition. Upon the determination of the superior court clerk or chief judge that a record is of historical significance, the record may be held past its retention period and, if directed, the originals may not be destroyed.	JB-001
Court Reporters' Note Files	Recordings, notes, other records which have not been reduced to typed or printed documents, or other records relating to generation of certified transcripts.	70 years after disposition.	JB-002
Article Two Habeas Corpus	Documents related to the filing of habeas corpus actions pursuant to OCGA §§ 9-14-40 – 9-14-53.	Capital Offenses: Permanent. Non-capital Offenses: 70 years after disposition.	JB-003

Misdemeanor Records

Record Type	Description	Retention	Schedule Number
Case Files	Includes original papers which are called or serve as an: accusation, affidavit, appearance bond, arresting officer's affidavit, bail bond, cash bond, conviction, disposition, fine, indictment, judgment, motion, notice of appeal, notice of arraignment, notification of hearing, order, plea, pleading, sentence, subpoena, summons, waiver, warrant, or certified copies of the same transcript. This schedule does not apply to any record books which contain references to felony cases.	10 years after disposition.	JB-004
Docket Books	Books which generally contain essential information in summary form about each particular misdemeanor case adjudicated. Most dockets contain an alphabetical index in front of each book which references the defendant's name to the page number on which the case summary is docketed.	10 years after disposition.	JB-005
Minute Books	Books which contain photostatic copies of the accusation and disposition associated with each case or contain typewritten or handwritten entries regarding the defendant, charge, and disposition of each case.	10 years after disposition.	JB-006
Book of Fines and Forfeitures	Books which contain listings of fines and forfeitures received by the court regarding each particular misdemeanor offense.	10 years after last entry.	JB-007

Traffic Records

Record Type	Description	Retention	Schedule Number
Case Files	Includes original papers which are called or serve as an: accusation, affidavit, appearance bond, arresting officer's affidavit, bail bond, cash bond, conviction, disposition, fine, indictment, judgment, motion, notice of appeal, notice of arraignment, notification of hearing, order, plea, pleading, sentence, subpoena, summons, uniform traffic citation, waiver, warrant, or certified copies of the same transcript. This schedule does not apply to any record books which contain references to felony cases.	10 years after disposition.	JB-008
Docket Books	Books which generally contain essential information in summary form about each particular traffic case adjudicated. Most dockets contain an alphabetical index in front of each book which references the defendant's name to the page number on which the case summary is docketed. This schedule applies to docket books which contain misdemeanor traffic records only.	10 years after disposition.	JB-009
Minute Books	Books which contain photostatic copies of the accusation and disposition associated with each case or contain typewritten or handwritten entries regarding the defendant, charge, and disposition of each case. This schedule applies to minute books which contain misdemeanor traffic violations only.	10 years after disposition.	JB-010
Book of Fines and Forfeitures	Books which contain listings of fines and forfeitures received by the court regarding each particular misdemeanor offense. This schedule applies to books which contain misdemeanor traffic violations only.	10 years after last entry.	JB-011

Civil Records

Record Type	Description	Retention	Schedule Number
Civil Cases Not Proceeding to Final Judgment	Civil case files in which the plaintiff never carried through to disposition. Cases dismissed without prejudice are included. Not included are cases dismissed with prejudice or cases in which the judge's order specifies terms of an out-of-court settlement.	2 years after disposition.	JB-012
Civil Case Files	Documents relating to trying civil cases and documenting the proceedings in those cases. Included are pleadings and judgments in civil cases, complaints, summons, defensive pleadings, court orders, notices of appeal, appellate pleadings, and determinations of appellate courts.	20 years after disposition.	JB-013
Civil Dockets	Documents relating to indexing all pleadings filed in the course of civil actions, including independent motions which are to be decided by the judge without the intervention of a jury. Included are bound volumes which serve as an index to pleadings for each case. Entries vary from one time period to another and from one court to another but generally show term of court, names of parties and their attorneys, case numbers, nature of actions, and subsequent service and pleadings. Entries are in case number order (assigned by filing date). Most dockets contain an index to defendants and plaintiffs, showing case numbers for each case.	75 years if maintained separately from civil case files.	JB-014
Minute Books	Documents relating to recording proceedings and orders. Included are court orders, oaths, bonds, motions, certifications, transcripts, full proceedings, other documents regarding cases, charges to and presentments of grand juries, local rules of procedure, orders or other documents regarding court administrative matters, and other documents. Minute books are often divided, with civil and criminal matters in separate volumes.	75 years after disposition.	JB-015
Record of Writs	Documents recording the text of each case heard by the courts, especially recording writs issued. Included are volumes containing, for each case heard by the court, copies of the complete text of the case or copies of any actions taken by the court.	75 years after disposition.	JB-016

Civil Records

Record Type	Description	Retention	Schedule Number
Sealed Civil Depositions	Documents related to obtaining pre-trial testimony from parties and witnesses during discovery for civil cases filed under OCGA §§ 9-11-27 – 9-11-31. Files consist of sealed envelopes containing depositions taken of parties or witnesses. File may be in the form of stenographic transcripts, videotapes, or electronic or digital recordings. Envelopes are endorsed with the title of the action and the name of the deponent. Not included in this schedule are depositions which have been opened for use in the court thereby becoming part of the case file.	1 year after disposition.	JB-017
General Execution Docket and General Execution Docket Indexes	Documents relating to recording basic information concerning the execution of the court's decisions. Included are books with entries showing the date the case was adjudged, names of the parties and their attorneys, case number, date Fi. Fa. issued, and disposition of the execution. After 1971, photostatic copies of Fi. Fa. are used in place of these entries. Entries are in the order in which the Fi. Fa. are filed with the clerk's office.	20 years after disposition.	JB-018
Domestic Relations	All documents, excluding adoptions, relating to those cases resulting in the dissolution of a marriage, child custody, or award of alimony.	75 years after disposition.	JB-019
Domestic Relations – Contempt Actions	All documents related to contempt actions arising out of domestic relations cases.	20 years after disposition.	JB-020
Name Changes	Case files relating to a name change.	100 years after disposition.	JB-021
Personal Injury and Malpractice	Civil cases related to personal injury or alleging malpractice.	20 years after disposition.	JB-022
Collection Cases	An action containing pleadings on debt concerning a specific contract or account.	5 years or upon satisfaction or expiration of Fi. Fa.	JB-023
Appeals – Magistrate Court	Documents relating to cases appealed to the superior or state court based on a judicial decision of the magistrate court.	10 years after disposition.	JB-024
Adoption	All documents relating to an adoption case.	Permanent.	JB-025

Jury Management Records

Record Type	Description	Retention	Schedule Number
Jury Master List	Documents relating to persons qualified for jury service. Included are lists composed of all persons qualified to serve as jurors — whether lists be tickets, computer printouts, digital format or microfilm format, or in any other form except computer file data storage banks.	10 years.	JB-026
Jury Questionnaire	Documents relating to selection and qualification of jurors. Included are completed jury questionnaire forms and consolidated lists (including computer output) where applicable.	Capital Offenses: Permanent. Non-Capital Offenses: 10 years after disposition.	JB-027
Juror Information Form	Documents relating to: (1) providing information to attorneys about summoned jurors to facilitate jury selection, and/or (2) correcting errors on or updating information on a juror master list. Included are juror information forms turned in by summoned jurors to a jury clerk on first day of jury service. Forms contain information provided by jurors and may include occupation, age, marital status, age and occupation of spouse, number of children, previous jury service, and similar data.	1 year.	JB-028
Grand Juror or Trial Juror List	Documents relating to summoning and service of grand jurors and trial jurors. Included are (1) lists of grand or trial jurors summoned at a term or week of court, (2) lists of grand or trial jurors sworn to serve at a term or week of court, and (3) lists of grand jurors serving at a term of court and trial jurors serving in a case before the court. Not included are the jury master list – jury box, jury qualifications questionnaires, and jury script.	10 years.	JB-029

Property Records

Record Type	Description	Retention	Schedule Number
Deed Books	Books containing instruments pertaining to the ownership and transfer of ownership of real and personal property.	Permanent.	JB-030
Indexes to Deeds	Documents relating to maintaining an index for recorded deeds. Included are bound volumes containing grantor and grantee indexes to deeds recorded by the clerk. For each deed recorded the index shows the name of the grantor, the name of the grantee, the character of the instrument, the date of the instrument, the volume and page where recorded, and the date of recording. Usually there are separate volumes for grantors and grantees.	Permanent. If the office uses an indexing system in connection with a computer, any weekly, monthly, quarterly, annual, or other interim printouts (which are superseded by consolidated volumes) may be destroyed when the larger consolidation is received.	JB-031

Property Records

Record Type	Description	Retention	Schedule Number
JB-032 through JB-037 refer to statements filed and indexed after January 1, 1964. Real property records in which are noted fixture filings or filings concerning crops, minerals, or accounts subject to OCGA § 11-9-103.			
Financing Statements	Documents indicating the names and addresses of the debtor and the secured party, signed by the debtor, and containing a "statement indicating the types or describing the items of collateral."	<p>(1) If notice of action involving statement given (including insolvency proceeding), hold statement or copy for duration of proceeding and 60 days thereafter or 6 years, whichever is later.</p> <p>(2) If continuation statement filed, hold financing statement for 6 years from date of continuance; destroy unless another continuation statement filed.</p> <p>(3) If real estate mortgage is effective as a fixture (DCC) filing, hold financing statement or copy for 1 year after mortgage released or satisfied of record or otherwise terminates.</p> <p>(4) If financing statement filed before July 1, 1978, hold 6 years and 2 months after filing; then destroy.</p> <p>(5) If a termination statement is filed, hold financing statement or digital format or microfilm format copy for 1 year; destroy after termination date.</p>	JB-032
Continuation Statements	Documents identifying the original financing statement by number and stating that the original statement is still effective which is signed by the secured party.	6 years after date of filing.	JB-033

Property Records

Record Type	Description	Retention	Schedule Number
Statements of Release	Documents containing a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement.	6 years after date of filing.	JB-034
Statements of Assignments	Documents setting forth the name of the secured party of record, the debtor, the file number, the date of the filing of the financing statement, and the name and address of the assignee, and descriptions of the assigned collateral.	6 years after date of filing.	JB-035
Termination Statements	Documents stating that there is no outstanding secured obligation and no commitment to make advances, incur obligations, or otherwise give value, indicating the financing statement's file number and/or signed by the secured party.	1 year.	JB-036
Indexes of Financing Statements	Books containing the name and address of the debtors and the file number of the financing statement as well as entries regarding receipt of continuation statements, termination statements, and statements of assignments and release.	20 years and destroy after 1/1/2020 unless financing is still active.	JB-037
JB-038 through JB-041 refer to records recorded prior to January 1, 1964.			
Original Instruments	Includes documents designed as bills of sale, personal property mortgages (including all instruments styled as "note" or "Personalty Deed to Secure Debt"), contracts, conditional sales contracts, bills of sale to secure debt, liens, assignments, leases, liens of conveyances of crops, transfers, bonds for title, renewals (of debt), affidavits, agreements, or retention title contracts delivered to the clerk for recording but never picked up by or returned to the parties to the transaction to which the documents relate.	Return to parties; if impossible, destroy.	JB-038

Property Records

Record Type	Description	Retention	Schedule Number
Record Books and Indexes Containing Entries Relating to Personalty Only	Consists of copies of original instruments written or typewritten on blank pages, or copies onto forms in a record book kept expressly for that purpose. Indexes may be contained in a separate volume from entries. Record Books include: books of bills of sale, deeds to personal property, books for bills of sale to secure debt, chattel mortgage record dockets, chattel mortgages and lien dockets, filing docket and general index to chattel mortgages, filing docket and general index to personalty mortgages, personal property dockets, personal lien dockets, personalty mortgages—grantor index, and public index to personalty mortgages. Some of these books are single volumes or parts of a records series containing both volumes for personalty and volumes for realty records.	20 years except that Books created prior to 1900 must be offered to Department of Archives and History.	JB-039
Records Books and Indexes Relating to Both Personalty and Realty	Consists of copies of original instruments written or typewritten on blank pages or copied onto forms in a record book kept expressly for that purpose. Indexes to these entries may be contained in the record books themselves or may be in separate volumes. Books include: Book for Mortgage Liens, Book for Title, Contract Records, Factor's Lien Records, File Docket for Liens, Lease Record, Lien Book, Lien Stock Record, Mortgages and Lien Record, Mortgage Record, Promiscuous Record, Security Bonds and Deals, Security Deed Record, Filing Docket and General Index to Mortgages or Other Items, Filing Docket and General Index to Property, Filing Docket and Index to Mortgages, General Index to Deeds and Personalty Mortgages, Grantee Index to Deeds and Personalty Mortgages, Grantee Index to Mortgages, Grantor Index to Deals and Personalty Mortgages, and Grantor Index to Mortgages.	<p>Personalty: 20 years.</p> <p>Realty: Permanent.</p> <p>Extract realty records and rebind if necessary.</p> <p>Treat personalty records according to personalty schedules.</p>	JB-040
Duplicate Index Books	Duplicates of any Index Book.	Verify entries; then destroy.	JB-041
Real Estate Transfer Declaration Forms	Documents relating to transfer tax on real estate. Included is the duplicate copy of the real estate tax declaration form which is filed in the superior court clerk's office.	2 years.	JB-042

Property Records

Record Type	Description	Retention	Schedule Number
Federal Tax Lien Index	Documents relating to a discharged federal tax lien. Included is the federal tax lien index.	10 years from the date of discharge of the last lien recorded in the index.	JB-043
Federal Tax Lien Files	Documents relating to federal tax liens. Included are notice of a federal tax lien, discharge from a federal tax lien, and release and partial discharge from a federal tax lien.	<p>7 years unless on General Execution Docket, then 50 years.</p> <p>If federal tax lien index is kept, and if discharges are entered on same lien, as required by law, both notice of lien and discharge can be destroyed 7 years from final discharge date. Renewed liens and liens which were discharged in error (and for which notice has been received) are not discharged liens for the purposes of this schedule. When federal tax lien index is not marked as above, or where any other system (including General Execution Docket) is used, retain notice of federal tax lien and discharge for 50 years.</p>	JB-044

Attorney Records

Record Type	Description	Retention	Schedule Number
State Bar Applications Without Examination	Documents relating to admission to State Bar of attorneys from other States. Included are motions for admission, answers of the State Bar, proceedings, rule nisi, and judge's orders.	70 years. The series will terminate on 1/1/2048.	JB-045
Practicing Attorneys Registration Books	Documents relating to registration of practicing attorneys. Includes record of practicing attorneys, order of admission, and oath of commission. Information included is name, address, place, date of admission to practice, and retirement notice.	Permanent.	JB-046
Third-Year Law Students and Staff Instructors Files	Documents relating to authorization of third-year law student or staff instructor to assist District Attorney or practice legal aid. Included are law schedule dean's certificates, student, and staff instructor oaths.	70 years.	JB-047
Certification of Bar Admission Eligibility File	Certificates of a passing bar exam score and orders of judge for clerk to issue license to practice law.	70 years.	JB-048

Election Records

Record Type	Description	Retention	Schedule Number
Election Records Files	Documents relating to the general and primary elections. Included are used and unused and void ballots, ballot stubs, oath of poll officers, numbered lists of voters, tally papers, voting machine proof sheets, and return sheets.	2 years after adjournment of the grand jury where documents were presented to and approved by the grand jury. If there is a court case for any race documented by these records, retain until final settlement.	JB-049
Applications for Petitions to Recall the Probate Court Judge	Records related to granting authority to persons wishing to sponsor a recall drive for petitions for the recall of the judge of the probate court as provided for in OCGA § 21-4-3 (3) (B).	2 years.	JB-050
Calls of Recall Elections for Probate Judge	Calls for recall elections for a probate judge who also serves as election superintendent. See OCGA § 21-4-13 (c) (2).	2 years.	JB-051

Other Records

Record Type	Description	Retention	Schedule Number
Notary Public Applications, Certificates and Dockets Application, and Certificates	Documents including electronic records relating to certifying persons to be notaries public. Included are applications for becoming a notary public, certificates of persons so commissioned, and docket books listing persons commissioned.	Applications and certificates: 9 years. Docket books: 50 years.	JB-052
Application for Trade Name and Trade Name Index	Documents relating to registration of trade name under which an individual or company is doing business. Included are applications for registration of trade name. Trade name registration index books include entries of owners, addresses, and names of businesses. In most counties, recent years of entries are photocopies of applications. Many of the books have a cumulative index which list business name and page number of application.	Applications: 1 year. Index Books: Permanent.	JB-053

Other Records

Record Type	Description	Retention	Schedule Number
Newspapers Containing Legal Advertisements	Documents relating to giving public notice, through newspaper advertisements, of official actions or as required by various laws. Included are copies of newspapers containing legal advertisements as required by law.	<p>50 years if declined by library.</p> <p>Note: OCGA §§ 15-6-74 and 15-9-43 authorize newspapers to be maintained in digital format or microfilm format or by other photographic means. These Code sections and OCGA § 15-16-12 authorize clerks of superior court, judges of probate court, and sheriffs to enter into an agreement whereby one of these officials will maintain the official record of these newspapers for the other two.</p>	JB-054

All Court Records

Record Type	Description	Retention	Schedule Number
Superior, State, Probate, and Magistrate Court Administered Programs	Documents relating to the administration of court programs including, but not limited to, the following: settlement conferences; parenting classes; educational workshops; counseling, social, and legal services; and program files associated with accountability courts, alternative dispute resolution, and pre-trial services.	Case files: 3 years from the date of last entry. Certificates: 3 years from the date of last entry.	JB-055
All Calendars	Documents relating to listing civil and criminal matters to be heard, dates for hearing, and styles of cases. Included are calendars for judges and magistrates. Calendars may be made for pre-trial proceedings, trials, motion hearings, small claims, appearances, appellate causes, and other reasons as the court sees fit.	1 year. A record copy of each series of calendar should be maintained by the clerks as this schedule specifies. Other copies generated for office use, publication, or notification purposes may then be destroyed at the end of the week or weeks of court for which they were produced.	JB-056
Order of Cremation	Court orders relating to the cremation of a human body.	10 years.	JB-057
Deeds and Condo Plats	Records documenting individual ownership or property that are filed with the local government.	Permanent.	JB-058
Deeds, Right of Way	Records authorizing use of land for road widening or public works.	Permanent.	JB-059
Deeds, Security	Deeds to properties on which an agency holds the second mortgage.	5 years after final payment.	JB-060

Juvenile Records

Record Type	Description	Retention	Schedule Number
Individual Juvenile Court Case Files; Excludes Termination of Parental Rights and Legitimation	<p>The individual juvenile court case files shall serve as the minutes. Includes the following vital records: complaints, petitions, all court orders, rights forms, notices of appeal, publications, applications for publication, transcripts, any other items in juvenile court files which are juvenile court generated and do not fall within the category of non-vital records. Includes the following non-vital records: subpoenas, correspondence, intake data sheets, witness lists, route sheets, clerk or judges bench notes, applications for court appointed attorney, social histories, victim impact statements, any duplicates of court generated documents or records, essays, community service reports, applications for bond, custody reports generated by juvenile court for investigatory purposes, and case histories transmitted by another juvenile court.</p> <p>Includes non-vital documents generated by other persons or agencies such as the following: records of ankle monitoring agencies, police reports; Department of Family and Children Services reports, Department of Juvenile Justice reports, psychologicals, custody reports not produced by juvenile court, medical records, and school discipline/attendance records.</p>	<p>Vital Records: Delinquency: 25 years from the end of the calendar year of the date that the child was born.</p> <p>Dependency: 10 years after the last action in the case or 25 years from the end of the calendar year of the date that the child was born, whichever is later.</p> <p>Non-vital Records: 1 year.</p>	JB-061
Parental Notification of Abortion Case Files	<p>The individual juvenile court case files shall serve as the minutes. Documents relating to actions initiated by a minor, on such minors behalf or by next friend, for a waiver of the requirement that a parent be notified that an abortion is to be performed. Includes petitions, orders, medical statements, correspondence, etc.</p>	90 days after disposition.	JB-062

Juvenile Records

Record Type	Description	Retention	Schedule Number
Legitimation Case Files and Termination of Parental Rights Case Files in Which Rights Were Terminated	The individual juvenile court case files shall serve as the minutes. May include the following vital records: complaints, petitions, all court orders, rights forms, notices of appeal, publications, applications for publication, transcripts, any other items in juvenile court files which are juvenile court generated and do not fall within the category of non-vital records. May include the following non-vital records: subpoenas, correspondence, intake data sheets, witness lists, route sheets, clerk or judge's bench notes, applications for court appointed attorney, social histories, any duplicates of court generated documents or records, and case histories transmitted by another juvenile court. May include non-vital documents generated by other persons or agencies such as the following: police reports, Department of Family and Children Services reports, Department of Juvenile Justice reports, psychologicals, school discipline/attendance records, and custody reports not produced by juvenile court.	Permanent.	JB-063
Case Files of Juveniles on Probation or Supervision with the Court	Documents relating to a juvenile's status on probation or supervision with the court. Includes drug screens, school attendance records, reports of contact with probation officer, etc.	5 years after probation is terminated or when juvenile is 17, whichever is later.	JB-064
Court Reporters' Notes and Files	Documents relating to verbatim recording of oral proceedings before the court. Included are stenographic machine tapes and/or notes. May also include tape recordings, dictagraph belts, paper strips, steno pads, and other recording media including electronic formats.	2 years after disposition.	JB-065

Juvenile Records

Record Type	Description	Retention	Schedule Number
Docket Books	Documents relating to cases filed in juvenile courts. Included are docket books, bound and loose-leaf, and the pages thereof, in which is recorded information regarding children who are referred to juvenile courts and complaints which are filed against them or in their interest. Also included are computer records or other electronic records of the information required to be maintained in the juvenile docket book in juvenile courts which store the docket sheet information electronically in lieu of maintaining a separate juvenile docket book.	28 years from the end of the calendar year of the last entry.	JB-066
Court Calendars	Documents relating to listing of matters to be heard, dates for hearing, and styles of cases. Included are calendars for judges and associate judges.	1 year.	JB-067
Files and Records of Juvenile Court Administered Programs	Documents relating to the administration of court programs including but not limited to the following: accountability court programs, community service programs, diversion programs, restitution programs, community oriented risk-reduction programs, parenting classes, Tough Love programs, mentoring programs, tutoring programs, and counseling programs. Included are attendance records, referrals to other programs, testing results, certificates, etc.	5 years.	JB-068

Juvenile Records

Record Type	Description	Retention	Schedule Number
Traffic Case Files	<p>The individual juvenile court case files shall serve as the minutes. May include the following vital records: uniform traffic citations, complaints, petitions, all court orders, rights forms, notices of appeal, publications, applications for publication, transcripts, any other items in juvenile court files which are juvenile court generated and do not fall within the category of non-vital records. May include the following non-vital records: subpoenas, correspondence, intake data sheets, witness lists, route sheets, clerk or judge's bench notes, applications for court appointed attorney, social histories, victim impact statements, any duplicates of court generated documents or records, essays, community service reports, applications for bond, and case histories transmitted by another juvenile court.</p> <p>May include non-vital documents generated by other persons or agencies such as the following: records of ankle monitoring agencies, police reports, Department of Family and Children Services reports, Department of Juvenile Justice reports, psychologicals, and school discipline/attendance records.</p>	<p>Vital Records: 7 years after disposition.</p> <p>Non-vital Records: 1 year after disposition.</p>	JB-069

Probate Records

Record Type	Description	Retention	Schedule Number
Applications, Bonds, and Permits for Fireworks Displays	Applications for public display or exhibition of fireworks. Included are applications, bonds, evidence of liability insurance, and permits.	6 years.	JB-070
Election Tally Summary File	Included are election tally sheets.	6 years.	JB-071
Estate Case Files (Excluding Wills)	The qualification of a legal representative and the management and distribution of the assets of an estate. Included are: original and recorded copies of all proceedings in relation to estates, excluding probate of wills. Examples are: applications for letters of appointment and dismission of executors and administrators under OCGA Title 53; applications for year's support; as well as guardianships and conservatorships under OCGA Title 29; inventories and appraisements; applications for leave to sell property; and annual and final returns.	Permanent.	JB-072
(Hospitalization) Files Created Pursuant to Proceedings Under Chapters 3, 4, and 7 of Title 37 of the Official Code of Georgia Annotated and Proceedings Under Prior Official Codes Related Thereto (Involuntary Commitment Records)	The hospitalization and treatment of mentally ill, mentally retarded, alcoholics, drug-dependent individuals, and drug abusers. Included are originals of petitions, proceedings and orders relating to emergency admission, evaluation, and involuntary hospitalization, writs of habeas corpus, and protective orders, appointments of legal counsel and guardians ad litem, notices to parties, clinical or medical records of individuals, affidavits and certificates of examining physicians, and patient service plans. Hospitalization petitions may also contain guardianship applications.	75 years after disposition.	JB-073

Probate Records

Record Type	Description	Retention	Schedule Number
Lists of Persons Who Have Been Adjudicated as Mentally Incompetent	Records relating to deleting from electors' lists the names of those persons who have been adjudicated as mentally incompetent. Included are lists prepared monthly by the judge of the probate court and filed with the registrar giving names, addresses, and ages of persons who appear to be disqualified from voting by reason of an adjudication of mental incompetency during the preceding month.	2 years.	JB-074
Marriage Records	Transcription, digitization, or photocopy of the marriage license recorded by the probate judge within 30 days of the marriage.	Permanent.	JB-075
Peddler's Licenses and Certificates of Eligibility Files	Application for peddler's license and certificate of eligibility for disabled, indigent, disabled veterans, and the blind for a free license. Included are books or files containing any of the following: (1) receipt stubs of certificate or license, (2) application or affidavit for certificate or license, (3) letters of character reference, (4) letters from physicians of U.S. Veterans Administration, (5) copies of applicant's military discharge, and (6) court copy of license.	2 years.	JB-076
Weapons Carrying License Application File	The licensing of county residents to carry a weapon. Included are approved and denied applications for licenses to carry a weapon and supporting documents. Applications contain information supplied by the applicants that is pertinent to their eligibility to apply for the license. Supporting documents include mental health waiver forms, law enforcement reports, rap sheets, and other documents relating to issuance of the license.	6 years.	JB-077
Public Officers' Oaths and Bonds	The oaths of office and bonds of public officials filed in the probate court. Included are copies of written oaths of office and accompanying certificates issued by the officer administering the oath which specify the day and year taken, official bonds of county officials, and books containing recorded copies of official bonds.	6 years. Records dated prior to 1900: Permanent.	JB-078
Wills	Wills of decedents. Included are original, photostatic, imaged, and recorded copies of probated wills of decedents. Specifically excluded are wills of living persons filed in the probate court for safekeeping and wills filed but not probated.	Permanent.	JB-079

Magistrate Records

Record Type	Description	Retention	Schedule Number
Arrest and Search Warrants Files	Documents relating to arrest and search warrants. Included are audio and video applications for warrants, supporting affidavits, and evidence. Specifically excludes the original arrest warrants in which the defendant was bound over for trial by a magistrate to state or superior court. These original warrants should be transferred with the case file to the trial court.	10 years.	JB-080
Good Behavior Bonds	Documents relating to Good Behavior Warrants. Included are applications for warrants, supporting affidavits, and/or law enforcement reports or supplemental evidence, including audio and video of Good Behavior Warrant proceedings.	7 years. All original documents shall be kept in the magistrate court. See OCGA § 17-6-90.	JB-081
Civil Case Files	Documents relating to trying of civil cases in magistrate courts. Included are all pleadings, exhibits, transcripts, judgments, and related papers appropriate for inclusion in case files as required by statute or by the Uniform Rules for the Magistrate Courts. (Some courts maintain indexes to their case files and dockets. The retention of these indexes is covered in the schedule Magistrate Court Civil Dockets.) Includes affidavits for summons of dispossessory, applications for summons of foreclosure of personal property, and abandonment of automobiles or vessels.	10 years after disposition. If a judgment is renewed or enforcement is actively pursued in accordance with OCGA § 9-12-60 within the 10-year period, transfer case back to current files area and treat as a newly closed case.	JB-082
Transcripts, Recordings or Notes of Proceedings as Court Inquiry	Documents relating to certified verbatim records, digital recordings, and any other audio recordings or video recordings, including certified records of court reporters' transcriptions.	3 years from end of each calendar year or duration of sentence, whichever is longer.	JB-083

Prosecuting Attorney Records

Record Type	Description	Retention	Schedule Number
Misdemeanor, Traffic and Ordinance Violations	Documents relating to the investigation and prosecution of misdemeanor and misdemeanor traffic violations under Georgia law and alleged violations of county ordinances which are brought against individuals and corporations.	5 years after all direct appeals are completed or right to a direct appeal has terminated.	JB-084
Prosecutor's Felony Case Files	Documents relating to prosecution of individuals for felony violations of Georgia law. This file series is within the District Attorney's office.	25 years after all direct appeals are completed or right to a direct appeal has terminated.	JB-085
District Attorney's Files on Child Support	Documents relating to civil actions brought by the District Attorney on behalf of a parent or guardian to obtain or enforce support of minor children. Included are petitions, pauper's affidavits, summonses and rule nisi, rules for contempt, orders, answers, depositions, interrogatories, other discovery papers, pleadings, transcripts, judgments, motions, District Attorney's personal notes, notices of appeal, briefs and other related documents.	3 years after case is closed by court or operation of law.	JB-086
District Attorney's Child Support Undocumented Case Files	Documents relating to cases referred to the District Attorney's office by the Department of Human Services pursuant to OCGA § 19-11-1 et seq. which were not docketed in any court due to insufficiency of the evidence or statements made by the custodial parent (recipient) which prevent initiation of a paternity action. Included are DHS referral documents, correspondence relating to case, notices to potential defendant and affidavit of custodial parent as to paternity.	3 years after administrative determination that evidence is insufficient to obtain a judgment.	JB-087
Prosecutor's Dismissed Misdemeanor and Misdemeanor Traffic Case Files	Records of cases referred to Prosecutor investigation of misdemeanor, misdemeanor traffic, or ordinance violations dismissed before filing. OBTS form forwarded to GCIC; if local practice requires it – return original to clerk.	3 years.	JB-088
Attorney Case Files	Records of documentation of agency attorney in advising and representing the agency.	6 years after settlement of case.	JB-089

Municipal Records

Record Type	Description	Retention	Schedule Number
Executed Arrest Warrants	Summons for an individual who has not appeared in court for sentencing.	3 years after court appearance.	JB-090
Open Arrest Warrants	Summons for an individual who has not appeared in court for sentencing.	15 years for all others.	JB-091
Traffic	Serious traffic (suspendable).	6 years after disposition.	JB-092
Cash Bond List	List of offenses under the court's jurisdiction and bond amount set for each offense.	3 years after superseded.	JB-093
Citation Intake List	List of citations received from public safety officers by the court.	1 year.	JB-094
Court Calendar	Documents relating to list of matters to be heard, dates, and styles of cases.	1 year.	JB-095
Court Docket	Books which generally contain essential information in summary form about each traffic case adjudicated.	7 years.	JB-096
DDS Electronic Transfer	List of convictions and failures to appear transferred to DDS.	7 years.	JB-097
Dismissed Misdemeanor and Misdemeanor Traffic Case Files	Documents relating to the investigation and prosecution of misdemeanor and traffic offenses under Georgia law and alleged violations of city ordinances which are brought against an individual.	3 years after closure.	JB-098
DUI Case File	Documents that support, refer, or reflect the adjudication of a DUI case.	10 years after disposition.	JB-099
DUI Notices/Photos	Notice of conviction of second subsequent DUI sent to local newspaper.	10 years.	JB-100
GCIC/NCIC Printouts	Driver and criminal histories printed for use by prosecutor and judge.	Until file closure.	JB-101
Jail List	List received showing defendants incarcerated from public safety or jail.	1 year.	JB-102
Misdemeanor Case Files, Traffic Court	Court adjudication of misdemeanor traffic citations issued by authorized public safety officers and documents specific to the case.	7 years after disposition.	JB-103
Misdemeanor Court Records – Case Files	Documents supporting the adjudication of a case.	10 years after disposition.	JB-104

Municipal Records

Record Type	Description	Retention	Schedule Number
Misdemeanor Traffic Offenses Transferred to Another Jurisdiction	Citations, accusations, and summonses transferred to higher court for jury trial or another court of jurisdiction.	7 years after appearance in court.	JB-105
Prisoner Mail Logs	Record of all mail received from an inmate.	1 year.	JB-106
Probation Records	Official records pursuant to an individual probationary status, including probation officer, probationary conditions, and length of term.	7 years.	JB-107
Telephone Taps	Court order for telephone taps.	10 years.	JB-108
Grand Jury Presentment	Grand jury reports.	10 years.	JB-109
Legal Organ Designation	Declaring the local paper as the Official Organ.	7 years.	JB-110
Terms of Court	Quarterly reporting of opening and closing the court terms.	7 years.	JB-111
Writs of Habeas Corpus	Writs of habeas corpus.	7 years.	JB-112
Ordinance Violations	Records concerning ordinance violations. See OCGA § 15-10-63.	2 years.	JB-113

Official Judicial Branch

Administrative Records Retention Schedules

ACCOUNTING (01)			
Records	Description	Retention	Number
Accounting Records	Records include: accounts payable files; accounts receivable files; bank statements; cancelled checks, vouchers, and EFTS; cash balances and reconciliations; cost accounting records; deposit slips and reconciliations; invoices; journal entries (journal vouchers); outstanding obligations; payment schedules; purchase orders; receipts; returned checks; reconciliations; refund/disbursement requests; moving expenses; agency-paid individual memberships and activities in professional organizations; registration fees; and travel authorization and reimbursement records.	5 years.	GASC-01-001
Annual Financial Statements	Records which provide an annual statement of net assets and activities; often called a comprehensive annual financial statement or report.	Permanent.	GASC-01-002
Audit Reports (Agency Copies)	Reports prepared by the Department of Audits examining and verifying the agency's financial activities for a defined period of time; does not include the record copy maintained by the Department of Audits.	5 years or 2 successive audits, whichever is longer.	GASC-01-003
Bids and Competitive Selection Records	This series documents the procurement of equipment and service valued in excess of bid limit. This series may include but is not limited to: requests for proposal (RFP); requests for invitations to bid (RFI); requests for quotes (RFQ); vendors' proposals and bids; records for all bids received; and competitive quotes.	Capital Improvement Projects: 11 years; All other records: 7 years.	GASC-01-004
Budgeting Records	Records documenting budget requests, maintenance, and reports as well as the budget approved by the Legislature.	Approved Budget: Permanent; All other records: 6 years.	GASC-01-005

Collection Records	This series includes records documenting an agency's efforts to collect unpaid accounts; includes PeopleSoft collection reports.	5 years after account paid in full or deemed uncollectible.	GASC-01-006
Contracts and Agreements	This series documents the negotiation, execution, completion, and termination of legal agreements between an agency and other parties to acquire or provide services or products.	Capital Improvements: 10 years after expiration; Other contracts: 7 years after contract expiration.	GASC-01-007
Cooperative Federal Programs Budget Preparation, Project, and Allocation Records	Records used to develop, estimate, propose, and plan the preliminary budget requests for cooperative state/federal programs and reflect the process by which annual budget allotments are distributed.	5 years after the end of the fiscal year.	GASC-01-008
Cost Accounting Reports	Financial reports by cost center for all expenditures.	3 years.	GASC-01-009
Credit Card Administration Records	Records documenting administration of credit cards issued to individual agency staff or offices.	7 years.	GASC-01-010
Federal and State Grant Project Files	Records documenting federal and state-funded grant projects.	Final Narrative Summary: Permanent (GASC-02-008); Education Agencies: 5 years after submission of final report or denial of application; Non-Education Agencies: 3 years after submission of final financial report.	GASC-01-011
Federal Revenue Sharing Records	Records documenting federal, state, county, and municipal revenue-sharing; includes summaries, expenditures, and investments.	5 years after submission of final report.	GASC-01-012

General Ledger and Trial Balances	Records of final entry for all financial transactions.	7 years.	GASC-01-013
Internal Auditing Records	Records documenting the conduct of an internal review of agency financial accounts and processes.	5 years or 2 successive audits, whichever is longer.	GASC-01-014
Official Bonds and Oaths	Bonds required of state officials and custodians of funds.	5 years after expiration of term.	GASC-01-015
Signature Authorizations	Records documenting the certification of employees who are authorized to sign fiscal and contractual documents.	7 years after authorization expires.	GASC-01-016

ADMINISTRATION (02)

Records	Description	Retention	Number
Administrative Rules Records	Records documenting reviews and changes to administrative rules issued in compliance with OCGA § 50-13-1 – 50-13-44.	Final rule: 5 years after expiration; Other records: Retain for useful life.	GASC-02-001
Annual Reports	Annual reports that summarize agency functions and activities.	Permanent.	GASC-02-003
Broadcast Logs	Records documenting agency daily broadcast activities.	Logs relating to a disaster or investigated by the FCC: Retain until authorized by FCC to destroy; Other logs: 2 years.	GASC-02-007
Correspondence – Administrative	This series includes communications received or sent that document significant events and/or the development of administrative structure, policy, procedures, and the historical development of the office.	Permanent.	GASC-02-004
Correspondence – General	This series includes correspondence that documents formal decisions regarding routine matters.	5 years.	GASC-02-005

Crisis or Disaster Records	Records documenting events and damages to an agency's property due to storms, riots, fires, drought, floods, and other acts affecting the agency facilities; may include photos, logs, reports, notes, and correspondence.	Records that document a lasting change to agency property or activities: Permanent; Other: See applicable retention schedule.	GASC-02-006
Executive Level Administrative Files	This series includes the records of an agency's director, deputy director, and division directors. Records with historical value include memoranda, reports, and other documentation concerning the administration of policy, coordination of agency functions, and management of program activity. Records of a routine or non-substantive nature that do not document policy decisions or significant programmatic and functional activities.	Records that document policy, coordination of agency functions, and management of program activity: Permanent; Other records: 5 years.	GASC-02-002
Federal and State Grant Reports	Final narrative summary submitted according to grant requirements of the funding agency.	Permanent.	GASC-02-008
Legal Case Files	Records documenting the work of the agency legal counsel in advising and representing the agency.	6 years after settlement of case.	GASC-02-009
Legal Opinions	Interpretations of the law and an agency's compliance with the law by the Attorney General or other legal counsel.	Until superseded.	GASC-02-010
Legislative Relations Records	This series may be used to review and plan institutional positions on legislative activities. This series may include but is not limited to: final reports; bill review and tracking records; copies of legislation; and working papers.	Final reports: Permanent; All other records: Retain for useful life.	GASC-02-011
Lobbyist Records	This series documents the activities of agency employees who engage in lobbying the state. Records may include: lobbyist registration statement forms; lobbyist termination forms; lobbyist expenditure report forms; lobbyist listings; and salary information.	5 years.	GASC-02-012

Meeting Agendas, Minutes, and Packets	Records documenting proposed and executed proceedings of agency meetings.	Approved Minutes, Agenda, and Final Packet: Permanent; Notes and records used to create the approved minutes and supporting documentation: Retain until minutes are approved.	GASC-02-013
News Release Records	This series documents newsworthy events of the agency. This series may include but is not limited to news releases issued by agency news and communications units arranged by topic and/or date of issue.	10 years.	GASC-02-014
Periodic Reports	Reports that describe the agency's functions and activities and include quarterly, monthly, weekly, and daily reports. Note: does not include annual reports (GASC-02-003).	Reports that are summarized in an agency's annual report: Retain until annual report is completed; Other reports: 2 years.	GASC-02-015
Photographs, Videos, and Films	Photographs, videos, films, and other visual representations of agency public service announcements, events, productions, promotions, tourism, training, and property.	Final Product: Permanent; Other: 5 years; Copies and poor images: Useful life.	GASC-02-016
Policies and Procedures	Standard operating practice for business processes.	Policies that affect the public: Permanent; Policies that do not affect the public: 3 years after superseded.	GASC-02-017
Printing Service Files	Records relating to printing requests, cost estimates, mock-ups, proofs, and printing plates.	Retain for useful life.	GASC-02-018
Publications	Newsletters, handbooks, pamphlets, and brochures published by an agency.	Permanent.	GASC-02-019

Speeches	Records relating to public speaking engagements of agency officials.	Speeches and recordings: Permanent; Drafts, source materials, and other materials: Retain for useful life.	GASC-02-020
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ADMINISTRATIVE SUPPORT (03)

Records	Description	Retention	Number
Calendars	Desk calendars and other scheduling media.	1 year after the end of the calendar year in which the record was created.	GASC-03-001
Data Input Forms	Any type of form used to collect information for input into electronic form.	Destroy upon verification/quality control of data entry.	GASC-03-002
Indexes	Records which provide a ready reference or pointer into larger sets of records.	Retain until superseded or destruction of indexed set of records.	GASC-03-003
Mailing Lists	Various standard lists of names and addresses.	Retain for useful life.	GASC-03-004
Newspaper Clippings and Scrapbooks	This series includes newspaper clippings and scrapbooks, which may contain newspaper clippings, photographs, event programs, and other memorabilia.	Newspaper clippings: Retain for useful life. Scrapbooks: Contact Archives staff before disposition to ensure that any original materials contained in the scrapbook are retained for the duration of their retention period and that no permanent records are destroyed.	GASC-03-005

Reference Files	Publications, copies of records, and other materials that provide general reference for agency employees.	Retain for useful life.	GASC-03-006
Telephone and Fax Records	"While You Were Out" message slips; telephone and fax contact information; and related data.	Retain for useful life.	GASC-03-007
Transitory Records	Records with short-term interest that have no documentary or evidential value, such as routine requests for publications, transmittal letters, and agency event notices (holidays, charitable campaigns).	Retain for useful life.	GASC-03-008

INFORMATION TECHNOLOGY (04)

Records	Description	Retention	Number
Computer System Documentation, Management, and Maintenance Records	Records documenting the addition, modification, maintenance, and removal of software and/or hardware from an agency's computer system. Records may include: computer equipment inventories; hardware performance reports; component maintenance records; system backup reports; backup tape inventories; system overviews; operations logs; job listings; system development logs; system specifications and changes; conversion notes; dataset logs; dataset inventories; dataset record layouts; hard copies of tables; data dictionaries; programming logs; program specifications and changes; record layouts; user views; control program table documentation; program listings; instruction manuals; software purchase records; software inventories; and licenses.	Computer Equipment Inventories: 4 years after surplus and all audit requirements have been met; Records related to backup: Retain for 2 backup cycles; All other records: Life of system, software, or component and all audit requirements have been met.	GASC-04-001
Information System Planning and Development Records	This series documents the planning and development of agency information systems. Records may include: information technology plans; feasibility studies; cost-benefit analyses; studies and surveys; system specifications and revisions; component proposals; technical literature; and vendor literature and proposals.	Implemented systems: Life of system and all audit requirements have been met; Unimplemented systems: Useful life.	GASC-04-002
Network, Computer, and Server Password and Security	Records documenting the issuance or selection of a network password and the administration of security and monitoring of the agency's network, computers, and servers.	1 year after superseded or the employee separates from the agency, and all audit requirements have been met.	GASC-04-003

System Architecture Documents and Wiring Schemas	Records documenting the location of wiring and the design of the overall agency network environment.	Until superseded or obsolete and all audit requirements have been met.	GASC-04-004
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PAYROLL (05)

Records	Description	Retention	Number
Annual Payroll Earnings Reports	Summary of employees' payroll earnings for fiscal year, including deductions.	50 years after tax year in which the records were created.	GASC-05-001
Deduction Records	Records documenting individual employee's authorization to withhold taxes and other deductions from employees pay.	4 years after end of fiscal year.	GASC-05-002
Family Medical Leave Act (FMLA) Compliance Records	All records pertaining to FMLA's leave requirements, including dates and hours of FMLA leave; copies of employer notices, documents describing premium payments, employee benefits, and records of disputes over FMLA benefits.	3 years.	GASC-05-003
Garnishments	Records documenting the withholding of funds from an employee's wages at the request of the courts or a state agency.	5 years.	GASC-05-004
HIPAA/HITECH Records	These records include the policies and procedures implemented by agencies to comply with HIPAA/HITECH regulations.	6 years.	GASC-05-005
Periodic Tax Reports	Records documenting taxable and non-taxable income of an agency.	5 years.	GASC-05-006
Salary and Wage Records	Pre-payroll reports, monthly payroll check registers, monthly fund distribution reports, and payroll action forms.	5 years.	GASC-05-007
Unclaimed Pay Checks	Checks that remain unclaimed by employees.	1 year.	GASC-05-008

Unemployment Compensation Records	Documents relating to employee claims for unemployment compensation.	5 years after end of the fiscal year in which the transaction occurred.	GASC-05-009
Wage and Rate Tables	Records utilized to calculate straight time and overtime work schedules.	5 years.	GASC-05-010
Wage and Tax Statements	Information returns used to report wages paid to employees and the taxes withheld from them. Includes W-2s.	5 years.	GASC-05-011
Withholding Allowance Certificates (G-4 and W-4 forms)	Federal forms completed by an individual to establish the amount of taxes withheld from wages.	4 years after superseded.	GASC-05-012

PERSONNEL (06)

Records	Description	Retention	Number
Accident Reports	Reports of employee accidents and injuries; including workers' compensation claims.	Workers' Comp Claims: 5 years and settlement of all claims due; Accident Reports not resulting in Workers' Comp Claims: 3 years.	GASC-06-001
Affirmative Action Records	Records documenting an agency's compliance with the requirements of the Equal Employment Opportunity Commission and response to federal program reviews, state compliance audits, annual reporting requirements, and internal audits.	Plans: Permanent; Audits, annual reports, and other records: 3 years.	GASC-06-002
Applications for Employment, Not Hired	Records documenting employment applications of persons not hired. Records may include but are not limited to: unsolicited, incomplete, and complete applications; supporting documentation, interview notes and materials; background surveys; and correspondence.	Unsolicited and incomplete applications: Useful life; All other records: 3 years.	GASC-06-003
Background Checks	Criminal and financial background checks on employees.	5 years.	GASC-06-004

Cafeteria Plan (Flexible Benefits) Records	Records documenting salary reduction-type plans authorized by the Internal Revenue Service.	6 years after termination of participant.	GASC-06-005
Continuation of Insurance Benefits (COBRA) Records	Copies of notices required by COBRA; documentation that notices were received; documentation of any circumstance in which COBRA is not offered due to gross misconduct.	6 years	GASC-06-006
Contracts – Employee	Service contracts between an individual and government agency.	7 years after expiration.	GASC-06-007
Converted Personal Leave Requests	Records documenting converted personal leave requests.	1 year after leave is used.	GASC-06-008
Drug Testing Records	Records documenting the random drug testing of employees to include pre-employment and reasonable suspicion.	Positives and refusals: 5 years. Negatives and cancelled drug tests and documents relating to the administration of the alcohol and controlled substance testing programs: 2 years.	GASC-06-009
Employee Grievance Action Case Files	Resolution of employee complaints against supervisor or other employees.	2 years after the complaint is filed or the case is resolved.	GASC-06-010
Employee Handbooks	Guidelines created to explain the internal operations and procedures of the agency to a new employee.	Permanent.	GASC-06-011

Employee Hazardous Materials Exposure Monitoring Records	Records monitoring the exposure of employees to hazardous materials.	30 years.	GASC-06-012
Employee Medical Files, Toxic/Hazardous Substance Exposure	Documentation of employee exposure to hazardous materials.	30 years after separation.	GASC-06-013
Employee Parking Records	Records documenting employee parking permit applications, cards, and permits.	5 years after permit expires or is superseded or separation of employee from the agency.	GASC-06-014
Employee Personnel Files	Records documenting an employee's work history with the agency, generally maintained as a case file; includes records of continuing education, performance evaluations, disciplinary actions, and background checks. Please note: no central agency maintains these records; it is the responsibility of individual agencies to maintain the personnel files of their employees.	Records documenting service, final leave status, and hire/no hire recommendation: 50 years; Other records: 7 years following separation of employee.	GASC-06-015
Employment Eligibility Verification Records	I-9 forms.	3 years after date of hire or 1 year after separation, whichever is longer.	GASC-06-016
Equal Employment Opportunity Commission (EEOC) Reports	Reports classifying employees by race and gender that document compliance with EEOC rules.	3 years.	GASC-06-018

Equal Employment Opportunity Commission and GA Commission on Equal Opportunity Complaints	Records documenting charges of discrimination filed against an agency.	2 years or until final disposition of the charge or action.	GASC-06-017
Family Medical Leave Case Files	Records documenting extended absence from work by an employee under provisions of the Family Medical Leave Act.	3 years.	GASC-05-003
Intern Records	This series documents the activities of interns working at the agency.	5 years.	GASC-06-020
Job Recruitment Materials	Records documenting efforts to advertise positions and attract qualified personnel.	2 years.	GASC-06-021
Leave Donation Records	Records documenting the donation of leave by employees to assist an individual who must be absent from work for an extended period of time due to illness.	1 year after leave used.	GASC-06-022
Leave Records	Records documenting hours worked, leave earned, and leave taken; does not include final leave status.	3 years.	GASC-06-023
Position Classification Materials	Records documenting job requirements, description, and salary range.	4 years after position is re-classified.	GASC-06-024
Pre-employment Assessments, Not Hired	Exams taken by those applying for positions with a state agency.	2 years.	GASC-06-025
Retirement Incentive Program Records	Records documenting employees who elect early retirement under government-offered incentive programs.	6 years.	GASC-06-026

SAVE Affidavits	SAVE (Systematic Alien Verification for Entitlements) Affidavits testifying to an individual's right to receive public benefits.	3 years.	GASC-06-027
Student Workers Permits	Permits to allow persons under 18 years old to obtain summer employment.	Return to issuing officer (school board) after termination or failure to appear for 30 days.	GASC-06-028
Training Records	Records documenting attendance and course content for continuing education training.	5 years.	GASC-06-029
Training Records – Breath-Alcohol Testing	Records relating to the training of individuals for breath-alcohol testing.	2 years after individual ceases to perform the testing function.	GASC-06-030
Volunteer Program Records	This series documents the activities and administration of an agency's volunteer program. Records may include: volunteer hour statistics; volunteer program publicity records; insurance requirement information; and inactive volunteer files containing applications and conditions of volunteer service forms.	Individual volunteer files: 3 years after separation; All other records: 3 years.	GASC-06-031
Work/Time Schedules	Records documenting employee's daily and weekly work schedules.	4 years.	GASC-06-032

PROPERTY AND SECURITY (07)

Records	Description	Retention	Number
Blueprints and Specifications	Plans and specifications maintained by an agency for its own facility; used by facilities management to facilitate repairs and upgrades to the building.	As Built plans and specifications: Permanent; Interim and Never Built plans and specifications: 7 years.	GASC-07-001
Building/Grounds Maintenance, Remodeling, and Repair Records	Records documenting the condition, upkeep, and routine maintenance on agency facilities and grounds.	7 years.	GASC-07-002

Business Continuity Plans	Business recovery plans for man-made and natural disasters.	Until superseded.	GASC-07-003
Capital Construction Project Records	Records relating to the planning, administration, and implementation of capital construction projects; includes project descriptions and requirements, bid records, plan reviews, project schedules, contract changes, consultant contracts, and budgets.	11 years after completion of project.	GASC-07-004
Depreciation Schedules	Records documenting useful life and depreciation of agency-owned equipment and property, usually for insurance purposes.	4 years.	GASC-07-005
Employee Identification Records	Records documenting the issuance of employee identification cards, including restricted access.	4 years after superseded or employee separation.	GASC-07-006
Equipment and Vehicle Maintenance Records	Records documenting service history, mileage, damage repair, routine preventative maintenance and disposition of agency vehicles and equipment. Records type includes warranties, operating manuals, service contracts, and service logs for maintenance of agency-owned equipment and vehicles etc.	5 years after disposition of vehicle or equipment.	GASC-07-007
Facility Inspection Files and Reports	Records documenting inspection of facilities to comply with standards, rules, and codes affecting health and safety of the occupants; includes security and safety inspections.	3 years.	GASC-07-008
Federal Property Records	Records documenting the loan or lease of government equipment (federal) by state agencies.	7 years after expiration of contract or disposal of equipment.	GASC-07-009
Fuel and Oil Usage and Tax Reports	Periodic reports of the consumption of taxable and non-taxable diesel, gas, and oil in government-owned vehicles.	3 years.	GASC-07-010
Incident Reports	Reports of incidents of suspected criminal activity.	Internal documentation and incidents not reported to police: 5 years; Incidents reported to police: Retain until settlement of claims.	GASC-07-011

Insurance Policies	Records documenting insurance purchase for agency facilities or of membership in risk management cooperatives.	7 years after expiration of policy or membership.	GASC-07-013
Maintenance Work Orders	Records documenting routine maintenance on facilities and property.	5 years.	GASC-07-015
Property and Equipment Inventories	Listings of agency-owned property and equipment.	5 years after superseded.	GASC-07-014
Property Disposition Requests (Surplus Property Records)	Records documenting requests for change in status of state-owned property.	5 years.	GASC-07-016
Property Insurance Fund Claims	Records documenting requests for payment of insurance claims from the Georgia Department of Administrative Services Risk Management Division.	5 years after claim is paid or denied.	GASC-07-012
Real Property Ownership Records	Deeds, titles, purchasing records, and supporting documentation for land owned by an agency.	11 years after the year in which the property was sold or transferred.	GASC-07-017
Receipts of Responsibility	Records documenting property temporarily in use or possession of an employee.	5 years.	GASC-07-018
Security Access Records	Logs documenting when and who accessed restricted areas.	5 years.	GASC-07-019
Security Videos	Digital or analog video recordings and images from agency security systems. This series also includes digital or analog voice recordings of radio and telephone communications.	Known incident/accident: Retain until settlement of claims; No known incident/accident: 30 days.	GASC-07-021

Security/Fire System Install and Maintenance Records	Records documenting agency security and fire alarm systems.	3 years after replacement of system.	GASC-07-020
Space Planning/Design Management Project Files	Evaluation and design of space for government agencies.	3 years after project completion.	GASC-07-022
Vehicle Accident Reports	Records documenting damage to agency-owned vehicles.	5 years.	GASC-07-023
Vehicle and Equipment Purchases	Records documenting the purchase of vehicles and equipment.	5 years after disposition of vehicles or equipment.	GASC-07-025
Vehicle Permits/Security Identification Records	Records documenting the issuance of vehicle decals providing access to secure areas.	2 years after superseded.	GASC-07-026
Vehicle Title Records	Records documenting agency ownership of vehicles.	Applications: Retain until receipt of title; Title: Retain for duration of ownership.	GASC-07-027
Vehicle Use Authorizations and Requests	Records documenting permission for employees to use their private automobiles for official business.	5 years after superseded or obsolete.	GASC-07-028
Visitor Sign-in Logs	Visitor sign-in logs.	1 year.	GASC-07-029

RECORDS MANAGEMENT (08)

Records	Description	Retention	Number
Destruction Records	Records documenting the destruction of agency records.	Retain in office.	GASC-08-001

Microfilm Records	Records documenting the processing of microfilm to show compliance with standards; the preparation and filming of records; the inspection of film; and the transfer and acceptance of film to a security storage area.	Retain for life of film.	GASC-08-002
Microfilm Vault Monitoring Reports	Records documenting temperature and humidity conditions within a storage facility.	5 years.	GASC-08-003
Open Records Act Requests and Correspondence	Inquiries from members of the public requesting access to information under the Georgia Open Records Act.	3 years.	GASC-08-004
Records Schedules	Copies of approved agency records retention schedules.	5 years after superseded.	GASC-08-005
Records Transmittal Records	Records documenting the transfer of agency records into the custody of a records center facility.	Permanent records: Retain in office; Temporary records: 5 years after disposition of transferred record.	GASC-08-006
Reference Requests	Reference pull sheets documenting the retrieval of records from a records center facility.	4 years.	GASC-08-007



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia
FROM: Christopher McFadden, Chair
Standing Committee on Court Reporting Matters
RE: Update on Policies and Fees for Court Reporting in Criminal and Civil Cases
DATE: July 20, 2018

The Standing Committee met on Friday, July 13, 2018, to discuss several items related to court reporting matters. Below is an update with action items for the Judicial Council for consideration and approval.

- 1. Policies and Fees for Court Reporting in Civil Cases:** The public commentary period for the proposed rules and regulations for Court Reporting in Civil cases ran from May 1 to June 14, 2018. During this period, AOC staff received comments from a wide spectrum of stakeholders. After AOC staff reviewed and presented a highlight of the comments received, CRMC voted to table the rules, to allow AOC staff to do a more in-depth review of the proposal. As chair, I will create a subcommittee to review the proposed rules considering the public comments and other feedback.
- 2. Policies and Fees for Court Reporting in Criminal Cases:** These are the changes currently proposed by the Standing Committee for this Council's approval. (*Action Item*)
 - A. Update to Section 2.4 of the current Rules:** A substantial update to section 2.4 of the current rule was adopted and is now presented to the Judicial Council for consideration and adoption. These changes are in line with the revisions currently in consideration for the Judicial Branch Record Retention Schedules. If approved as drafted, these this Section would require court reporters to regularly deposit their recordings, notes, other records which have not been reduced to typed or printed documents, and other records relating to the generation of certified transcripts in a single repository at the local level. This rule does not have a meaningful or practical effect until the council for each class of court updated their uniform rules.

B. Amendments to more closely conform the rules to usage adopted nationally:

Sections 3.1 (II), (B, C, E) currently use the term "digital monitors" for court reporters who digitally record court proceedings. But different terms have been adopted by the American Association of Electronic Reporters and Transcribers. The rules of that organization refer to "Certified Electronic Court Reporters" and "Certified Electronic Transcribers." Because Georgia issues licenses to those professionals, the amendments adopt the expressions "Licensed Electronic Reporter" and "Licensed Electronic Transcriber," as well as "Licensed Electronic Reporter-Transcriber." These amendments will have no impact on how court reporters currently operate, nor will they change the administrative processes by which such licenses are processed by the AOC.

3. **Definition of the term ‘Takedown’:** A subcommittee was created to review and discuss the legal definition of the term “*takedown*.” This subcommittee will review the law on what matters need to be taken down and the method for said takedown, and review whether any recommendations need to be made on the matter.

A red-lined and a final copy of the criminal rules are attached for your review.

Judicial Council of Georgia
Policies and Fees for Court Reporting Services in Criminal Cases
[Effective with Court Attendance and Transcripts Ordered after January 1, 2015.]

Under O.C.G.A. Title 15, Chapter 14, the Judicial Council is authorized to define and regulate the practice of court reporting to uphold the administration of justice. Production of the official court record is an essential business process contributing to court users' access to and fairness in Georgia courts, and each court has the responsibility to effectively manage that process. Through the following policies and fees, as well as the certification and regulation of court reporters, the Judicial Council identifies best practices and policies to assist judges in executing this responsibility to the citizens of the state.

1.1 Application of Fee Schedule for Court Reporting Services

The Judicial Council of Georgia *Fees for Services by Official Court Reporters* (Appendix A) applies to court reporters who are independent contractors. Courts that hire court reporters as employees shall arrange compensation and scope of work for them under their terms of employment, similar to other employees, using the fee schedule as a guide for salaries.

1.2 Contingent Expense and Travel Allowance

[Note: To better reflect typical travel guidelines that disallow expense reimbursement for travel between home and place of employment, O.C.G.A. §15-14-6 should be amended to remove the contingent expense and travel allowance for official court reporters serving a single-county jurisdiction. The ACCG or other interested organization should propose legislation to amend the statute clarifying that the contingency travel fee does not apply to single county circuits.]

1.3 Model Invoice for Services by Official Court Reporters

The Judicial Council recommends use of the model invoice contained in Appendix B to be submitted no less than once per month. Invoices incorporating substantially the same information may be used if approved by the court.

1.4 Format and Style of Transcripts

Standards for transcripts assure fair, equitable, and uniform treatment of parties. In all criminal cases filed after January 1, 2015, case transcripts shall be produced in searchable portable document format (.pdf), or another approved electronic format with document search capability, and filed with the clerk of court in a medium that can be stored electronically.

The following format and style shall be used for the production of all transcripts in Georgia courts. (See Sample Transcript, Appendix C.)

A. Margins

Preprinted solid left and right marginal lines shall be placed on the transcript page so that text begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

B. Character Spacing

The letter character size shall be 10 letters to the inch, providing for approximately 63 characters per line.

C. Lines and Line Numbering

Each page shall include numbers indicating each line of transcription on the page and shall contain 25 lines of double-spaced text. If a page contains less than 13 lines, no charge shall be assessed. A page containing 13 or more lines will be charged as a full page. The last page will be charged as a full page, regardless of the number of lines.

Page numbers or notations are not considered lines of text.

D. Indentations**1. Question and Answer (Q&A)**

For Q&A, indentation from the left margin shall be five spaces for the first line and none for subsequent lines.

2. Colloquy

On the first line, indentation from the left margin shall be ten spaces, followed by speaker identification and a colon, with the statement beginning two spaces after. Subsequent lines shall be indented five spaces from the left margin.

3. Additional Testimony

Depositions read at trial, if taken down as part of the trial transcript, shall be formatted the same as oral testimony, with the same indentations as Q&A. In a transcript, each question and answer read verbatim from a deposition shall be preceded by a quotation mark. At the conclusion of the reading, there shall be a closing quotation mark.

E. Page Numbering

Transcript page numbers shall be printed at the bottom right of each page. Pages shall be numbered consecutively beginning with page "1."

F. Cover Page

Each transcript shall include a cover page indicating:

- (1) court name;
- (2) case name and number;
- (3) name and title of judge;
- (4) type, date, location, and time of proceeding;
- (5) name and address of each attorney and party represented;
- (6) whether jury was present;
- (7) court reporter's name, address, and contact information;
- (8) volume number if multi-volume transcript (ex: Volume 1 of 3 in Arabic numerals).

G. Index

Each transcript shall contain a general index, a witness index, and an exhibit index. When a transcript has more than one volume, each volume shall contain a general index, a witness index, and an exhibit index.

- (1) The general index shall list all occurrences in chronological order, including the charge of the court.
- (2) The witness index shall list all witnesses in the order of their appearance with associated page numbers of their testimony on direct, cross, redirect, and re-cross examinations.
- (3) The exhibit index shall list each exhibit received into evidence with its description and associated page numbers when tendered and admitted.

H. Parenthetical Notations

Parenthetical notations, when appropriately separate from dialogue, must begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.

I. Exhibits

Documents, photographs, and physical evidence must comport with Rules 71 to 74 of the Supreme Court of Georgia and Rule 17 of the Court of Appeals of Georgia. Audio/video recordings played in court entered as an exhibit in a proceeding need not be transcribed unless ordered by the court.

2.1 Takedown and Transcript Filing in Criminal Proceedings

A. Takedown

1. The following shall be taken down:
 - (1) All proceedings in death penalty cases.
 - (2) All habeas corpus proceedings.
 - (3) Felony cases
 - (a) Guilty pleas and nolo contendere pleas.
 - (b) During trial, all evidence including testimony, objections and rulings, motions and rulings thereon, jury charge, and sentencing.
 - (c) Motion for new trial hearings.
 - (4) Guilty pleas and nolo contendere pleas in misdemeanor cases.
2. All other proceedings in felony or misdemeanor cases, such as pretrial motions, voir dire, opening statements, colloquies, closing arguments, and probation revocation hearings shall be taken down only when requested by the court, counsel, or defendant.
3. No proceeding in magistrate court other than required by law shall be taken down unless requested by the court, counsel, or defendant.

B. Preparation and Filing of Transcript

1. A transcript shall be prepared and filed in:
 - (1) All death penalty case proceedings.
 - (2) Felony trials, jury or non-jury, resulting in a guilty verdict.
2. When requested by the court, counsel, defendant, or petitioner, a transcript shall be prepared and filed in all other proceedings.

2.2 Documentation of Evidence

To comport with appellate court requirements and other Judicial Council rules and policies, the case transcript shall include all evidence (exhibits) in digital format. Documentary evidence, photographs of physical evidence, and video and audio recordings shall be provided to the court reporter in digital format at the time of tender, unless otherwise ordered by the court.

2.3 Certified Transcript is a Public Record

A. Certification and Filing of Transcript

In all criminal cases, when a transcript is required or requested to be prepared, it shall be filed with the clerk of court immediately upon completion and certification. The court reporter shall notify the court, prosecutor, defense attorney(s), and/or self-represented defendants(s) of the date the transcript is filed with the clerk of court and, only after receiving payment for the original, filed transcript, provide each party with a digital copy of the transcript at no charge. If a transcript is required to be prepared by the court, the law, or the Judicial Council Policies and Fees in Criminal Cases, the appropriate governing authority shall pay the court reporter for the production of the transcript. If a transcript is not required to be prepared but is requested by a party, the party shall pay the court reporter for the production of the transcript.

Once filed, the transcript is a public record, and copies may be provided at the rate determined by the clerk or by law as any other public record.

B. Electronically Certified Transcript

Transcripts may be electronically certified. Any transcript electronically certified must include a certificate as described by O.C.G.A. § 15-14-5 and must include the electronic signature of the court reporter. The electronic signature shall be unique to and under the sole control of the court reporter using it and constitute evidence of a legal signature of the court reporter.

C. Time Period for Filing Transcript

Unless other time periods are adopted by a court, the following shall be the time periods for filing transcripts.

1. Other than in a death penalty case governed by the Unified Appeal procedures, any transcript required to be prepared shall be filed with the clerk of court no later than 120 days from the date of conclusion of the proceeding for which the transcript is required to be prepared.
2. Any transcript to be prepared only upon request shall be filed with the clerk of court no later than 120 days from the date of the request for transcript. The request for transcript shall be made in writing to the court reporter and a copy sent to the clerk of court by the requesting party.

A maximum of one 60-day extension for filing a transcript may be granted by the court. An extension shall be requested in writing and signed by the judge, with a copy sent to the clerk of court. For good cause shown by the court reporter, the judge may extend the time for filing beyond 180 days.

If the judge authorizes an extension for filing a transcript beyond the 120-day time period or the time period otherwise adopted by a court, the judge shall determine, in his or her

discretion, the appropriate page rate and include it in the order approving the request. Such discretion, however, shall be limited to a page rate published in the *Judicial Council of Georgia Fees for Services by Official Court Reporters, Criminal Cases*.

2.4 Business Continuity

Each court is responsible for ensuring that an accurate record of court proceedings is produced as an essential requirement of due process of law.

To ensure business continuity, it is recommended practice that the court maintain a record of court proceedings irrespective of the production of the official record. The record maintained by the court is owned by the court and shall be made available to the public as required by law.

In the interest of preserving the business continuity of the court, court reporters shall, if not otherwise provided for by the court, create and retain a digital audio recording of all court proceedings. Court reporters shall, not less than once per month, deposit copies of all these digital audio recordings and all other recordings, notes, other records which have not been reduced to typed or printed documents, and other records relating to generation of certified transcripts into a common repository in a manner specified by the uniform rules for each class of court. Physical evidence need not be deposited. The court reporter's deposit shall identify the case or cases contained therein. Court reporters shall begin making these deposits upon approval of the applicable uniform rule.

3.1 Digital Recording

I. Digital Recording of Court Proceedings

A. Digital recording is a sound recording process that converts audio or analog signals to electronic format for storage and integration with other digital applications, such as case management and calendaring systems.

B. Digital recordings and related materials are part of a comprehensive transcript management system that governs the life cycle of the court record from the initial court proceeding through the filing of a transcript. These recordings and materials are preliminary to the transcript and are owned by the court.

C. Digital recording may not be used as the verbatim recording in death penalty and other felony trials unless (1) authorized by the court and operated according to this policy or (2) as a secondary record of proceedings under a pilot project of limited duration to study the feasibility of a recording system.

II. Licensing of Electronic Reporter-Transcriber (LERT)

A. Preliminary Qualifications

To apply for licensure as a digital monitor, a candidate shall meet the following qualifications:

- (1) At least 18 years of age,
- (2) High school graduate or equivalent, and
- (3) Good moral character.

B. Application for License

A candidate for initial licensure as an Electronic Reporter-Transcriber shall:

- (1) Apply for, pass, and receive notice of passing both CER (Certified Electronic Court Reporter) and CET (Certified Electronic Transcriber) exams offered by the American Association of Electronic Reporters and Transcribers (AAERT);

- (2) Complete the Board of Court Reporting's application for a licensed Electronic Reporter-Transcriber (LERT); and
- (3) Pass the Georgia Written Test that assesses knowledge of the laws, rules, and regulations pertaining to court processes and court reporting in Georgia.

C. Initial and Continuing Education

Within twelve months of initial licensure, a Licensed Electronic Reporter-Transcriber (LERT) shall complete the Board-sponsored educational program for new digital monitors.

To qualify for licensure renewal, a Licensed Electronic Reporter-Transcribershall complete and submit a certificate for a minimum of ten hours of Board-approved continuing education each year.

D. Disqualification for Act of Dishonesty

Any applicant who commits any act of dishonesty with respect to any portion of the exam shall immediately be disqualified and will not be eligible to take the exam again for a period of two years from the date of the exam on which the applicant was disqualified.

E. License

After an applicant has met all requirements for licensing, the Board shall issue a license with a unique identification number to the Licensed Electronic Reporter-Transcriber.:

F. Right to Review

The Board reserves the right to refuse to allow testing or licensing of any applicant for good cause.

III. Standard Operating Procedures and Rules

A. Supervision of Digital Monitors

1. The chief judge of each court may designate an administrator or a managing court reporter to oversee the digital audio recording of court proceedings.
2. The administrator or managing court reporter shall be responsible to:
 - a. Appoint, schedule, and supervise digital monitors for the purpose of equitably distributing workload and assuring the lowest overall cost to the court.
 - b. Verify certification records for all digital monitors working in the court's jurisdiction.
 - c. Review the work and work product of digital recording monitors and report regularly to the chief judge.
 - d. Manage the preparation of transcripts of digitally recorded proceedings.
 - e. Coordinate requests and orders for digital recordings and transcripts and review related invoices for payment.

IV. Procedures and Best Practices for the Use of Digital Recording Technology

A. Signage

Signage provides important reminders to litigants, staff, and the public that the proceedings are being recorded and that anything spoken may be recorded.

1. The following is suggested language for signs placed at each table microphone, podium, and on the judge's bench:
 - (1) *The court may be electronically recording proceedings.*
 - (2) *Speak clearly and slowly into the microphone.*
 - (3) *Speak in normal conversational tone. Do not whisper.*
 - (4) *Do not speak over another person.*
 - (5) *Remain seated or at the podium.*

(6) *Mute microphone for private conversations.*

2. The following is suggested language for a sign posted at the courtroom entrance door:

The court may be electronically recording proceedings. Silence in the gallery and litigation area is required. Remain seated and do not approach the bench until instructed to do so.

Courtroom participants may also need to be informed that the recording system may purposely or inadvertently remain operational between proceedings and/or after the proceeding has ended.

B. Opening Announcement

For some or all proceedings, the judge may choose to supplement signage by opening the court session with an opening announcement similar to the following:

These proceedings are being electronically recorded. Please clearly state your name and appearance for the recording. Speak clearly and directly into the microphone. Do not speak over each other. All responses must be made orally. Avoid gesturing or head nodding, as these gestures will not be captured for the record.

C. Procedures for Licensed Electronic Reporter-Transcriber

The Licensed Electronic Reporter-Transcriber is responsible for producing backed up recordings of court proceedings using a digital recorder. The Licensed Electronic Reporter-Transcriber produces log notes and other material containing the spelling of proper names, unusual terms, and beginning and end times enabling systematic playback.

In general, responsibilities include:

- (1) Being physically present in the courtroom during all proceedings;
- (2) Assisting in identifying the best placement of microphones in the courtroom to achieve the goal of maximizing channel-to-channel voice separation for all speaking participants;
- (3) Monitoring the recording through headphones to ensure that the proceedings are being properly recorded by the digital recording equipment;
- (4) Taking and maintaining log notes and relevant lists of attorneys' names and addresses, witnesses, exhibits, and other information;
- (5) Playing back recorded court proceedings, as directed by the judge;
- (6) Transcribing all proceedings requested and/or required; and
- (7) Ensuring that the recording is properly stored and archived at the court.

1. Case Management System Entries

When appropriate, the Licensed Electronic Reporter-Transcriber may be assigned responsibility for making entries into the court's case management system (CMS) for proceeding start and end times, appearances, court orders, and next hearing dates. For example, at arraignment or change of plea sessions, the Licensed Electronic Reporter-Transcriber may be assigned responsibility for entering conditions of release, fine amounts, and conditions of probation into the court's CMS.

2. Practices and Procedures

a. Preparation for proceedings

i. Supplies

Make sure that all necessary supplies for producing a recording, making log notes, marking exhibits, and preserving the record are available and accessible. Supplies could include headphones, the court calendar and docket, pens, pencils, legal pads, blank

appearance sheets, witness and exhibit lists, and compact disks used for archiving the recording.

ii. Daily Testing

- (1) Test the recording and log notes software for operating functionality.
- (2) Check the microphone and camera placement in the courtroom according to the type of case and the flow and movement of the participants.
- (3) Test the recording quality of each microphone and the wiring by speaking into each microphone and listening to the recorded result on each audio channel. Problems could be caused by the microphones not being plugged into the proper channels or equipment or not being set on “Record” mode. Report any problems so that they can be fixed prior to the day’s proceedings.

iii. Default Settings

If default settings are used, check whether the system has been set back to the appropriate default setting and, in particular, that the setting accurately identifies the name of the judge presiding over the recorded proceeding.

iv. Communication with Judge

Determine how the judge would like to be notified or interrupted by the Licensed Electronic Reporter-Transcriber during the court proceeding if the record is not being captured.

b. During Proceedings

i. Operation

The recording system should be operated at the direction of the judge.

ii. Confidential Communications

- a. The court should post signs providing notice that any conversations occurring in the room and, in particular any conversations at the attorney/party tables, may be recorded at any time.
- b. The court should install microphones with “hold to mute” buttons for microphones used by attorneys and the judge.

iii. Monitor Through Headphones

Using headphones, monitor what is being recorded onto the audio channels, not what is being said into the microphones, ensuring that the proceedings are being adequately and intelligibly recorded (known as “confidence monitoring”).

iv. Interrupting Proceedings

a. The Licensed Electronic Reporter-Transcribers should strive for an unobtrusive presence interrupting proceedings only as necessary and in accordance with protocols established with the judge. Licensed Electronic Reporter-Transcriber must use their best judgment before interrupting, since an interruption may not be desirable at a critical point in testimony. It may be necessary to interrupt proceedings to:

- (1) Request the correct spelling of names or technical or unfamiliar names;
- (2) Request that a party move closer to the microphone;
- (3) Request that a person stop tapping a microphone or shuffling papers too close to it;

- (4) Request that a non-verbal response be made audible; or
- (5) Request that a party slow down his or her speech pattern.

b. Interrupt the proceeding and notify the judge when a record is not being made.

Examples include:

- (1) Technical failure of the equipment
- (2) The speaker's words are inaudible for reasons including:
- (3) Audio level of the recording is not adequate
- (4) Parties are speaking too softly or too rapidly
- (5) Parties are talking simultaneously over each other
- (6) Excessive shuffling of papers
- (7) A microphone remains muted
- (8) Excessive gallery or extraneous noise.

c. Licensed Electronic Reporter-Transcriber must use their best judgment before interrupting. An interruption may not be desirable at a critical point in testimony.

v. Off the Record Discussions

The recording should be stopped for "off the record" discussions only at the direction of the judge and only as long as the judge directs that the discussions not be recorded.

vi. Sidebar or Bench Conferences

Sidebar or bench conferences are part of the official record and need to be recorded unless the judge orders otherwise. Because these conferences are often whispered, it is important to monitor the volume and to ensure that the log notes identify each speaker.

vii. Jury Voir Dire

Creative microphone placement and/or the use of wireless microphones can help avoid problems with voir dire. The judge and attorneys should address jurors by name or number for proper identification during questioning. Licensed Electronic

Reporter-Transcriber may need to be

particularly vigilant at asking potential jurors to speak up.

viii. Language Interpreters

Digital recording preserves both the English and the foreign-language interpretation making it possible to confirm accuracy. The interpreter must be provided with a microphone assigned to a channel that is not the same as the channel assigned to the witness in order to ensure that the witness is not speaking over the interpreter. Log notes on when the interpreter is interpreting and the identity of the speaker whose words are interpreted are particularly important.

ix. Log Notes

Log notes allow for a simplified search of the electronic record for the playback of testimony during and after court proceedings.

- a. For all court proceedings, log notes must contain:
 - (1) Names/Identifiers - the full name of the judge, parties, and attorneys present and not present; case caption; and case number; and
 - (2) Time - the beginning and end times of each proceeding.

[Note: The digital recording software should automatically insert the beginning and end times along with any time that the recording is paused, started, or stopped. In court sessions where proceedings overlap, the Licensed Electronic Reporter-

Transcriber will need to be particularly diligent at logging start and stop times and may not be able to rely on the software to do so.]

- b. For trials and evidentiary proceedings, log notes must contain:
 - (1) Names/Identifiers - the full name of the judge, Licensed Electronic Reporter-Transcriber, parties, and attorneys present and not present; case caption; and case number;
 - (2) Time - the beginning and end times of each proceeding;

[Note: Log notes should also identify the time that each type of examination (direct, cross, *voir dire*) begins, the time that any off the record discussion begins, and the time that the jury enters or leaves the courtroom.]

- (3) Spelling/Unusual Names and Terminology - uncommon words, proper nouns, unusual phrases or jargon, events occurring on the record, attorney objections, and court rulings; consider a separate word list with the spelling of proper nouns and technical jargon;
- (4) Trial Events - the calling and swearing in of witnesses, the beginning of each type of examination, all attorney objections and court rulings, exhibit marking and identifying, motions for admission of evidence, references to statutes and rules and any other information that would assist transcription; commonly used abbreviations may be useful;
- (5) Identifying Speakers by Channel - speakers may move between multiple microphones during a proceeding, so it may be useful to develop a code to identify a speaker on a particular channel at a particular time.

[Note: A standard setup for channel allocation could serve as a useful guide in the majority of cases. For example:

- ① Judge/Jury/Bench or Well
- ② Witness
- ③ Defendant
- ④ Plaintiff

- (6) Nonverbal occurrences - such as “witness nodded head” and could indicate times when attorneys are conferring off the record;
- (7) Abbreviations – for commonly understood standard terms, such as “YH” for “Your Honor;”
- (8) Shortcuts - as needed to identify speakers in the log notes during rapid fire colloquy with the judge, such as “Jones, then Smith, then Judge, Jones again, then Smith, etc.;

x. Appearance/Information Sheet

- a. For indexing case information, enter case information onto a digital or paper appearance/information sheet identifying the case along with the judge’s name and the names and spellings of the attorney(s) representing the parties in the case.

[Note: In some recording systems, this information can be entered when a recording is initiated, preserving it in a searchable format directly associated with the recording.]b.

For most hearings, the sheet should contain the:

- (1) date of the hearing;
- (2) full name of the judge and Licensed Electronic Reporter-Transcriber;

- (3) case number, case name, and type of hearing;
- (4) full names and spellings of attorneys and self-represented litigants;
- (5) speaker identification codes selected for the log notes;
- (6) channel designation and seating arrangement for all parties.

[Note: In some recording systems, Licensed Electronic Reporter-Transcriber can create name macros for all parties present for a case, enabling the monitor to quickly insert the full name of a party or an attorney by a single mouse click, entry, or keystroke combination.]

- c. For trials and evidentiary hearings, the sheet should contain items (1)-(6), above, and the:
 - (1) law firm and/or government agency names, street addresses, e-mail addresses, and business and cell phone numbers;
 - (2) names of all witnesses;
 - (3) description and number for all exhibits.

xi. Playback

- a. As directed by the judge, locate the requested portion and play it back, using the courtroom public address system or sound reinforcement system such as a set of speakers connected to the recording personal computer.
- b. After the playback, ask the participants to provide time for the Licensed Electronic Reporter-Transcriber to resume duties before resuming the hearing.

[Note: The recording system should support immediate resumption after playback, with no interruption in the proceedings.]

- c. At the conclusion of the day's proceedings
Follow court practice to properly store and archive the recording at the court. This could include:
 - (1) backing up the day's recordings to the court's electronic network,

[Note: If the system does not enable backup onto a network, back up the day's recordings onto a compact disk.]

- (2) labeling the recordings to enable their retrieval during the retention period,
- (3) setting the system on the appropriate default setting for the next day's proceedings, and
- (4) shutting down the recording system.

D. Procedures for Judges

- (1) Verify with the Licensed Electronic Reporter-Transcriber that the system is operational.
- (2) Make participants aware that the court proceeding is being electronically recorded.
- (3) Remind participants to speak loudly and clearly.
- (4) State each case by name and number and type of proceeding each time a case is called.
- (5) Remind all participants to properly identify themselves when making their appearance at the beginning of each proceeding and to spell their names for the record.
- (6) Request attorneys to give their appearances at the start of each day of a continuous, multi-day trial.
- (7) Remind attorneys to take necessary precautions (i.e. cover the microphone or use the mute button) when they wish to consult with clients during the hearing.

- (8) Point out to those present that coughing or sneezing near a microphone will adversely affect the recording.
- (9) Permit attorneys to remain seated during proceedings and make sure that they are speaking into a microphone.
- (10) Remind participants that only one person should speak at a time. Discourage overlapping questions and answers or colloquy.
- (11) Discourage speakers wandering around the courtroom unless wireless microphones are used.
- (12) Hold on the record bench conference conversations at the bench conference microphone.
- (13) Leave the judge's bench microphone turned on while in session.

E. Procedures for Attorneys and Courtroom Participants

- (1) Attorneys should inform their clients of the method of recording being utilized and take necessary precautions to protect disclosure of confidential communications during proceedings.
- (2) Upon speaking for the first time, identify yourself for the record. Spell your name and state whom you represent.
- (3) Provide the Licensed Electronic Reporter-Transcriber with the correct spellings of unusual or technical names and words to be used.
- (4) Avoid moving microphones.
- (5) Always remain within arm's reach of a microphone. If you approach the bench, wait until you are within arm's reach of a microphone before speaking again.
- (6) For the benefit of the written record, avoid speaking while witnesses or other counsel are speaking. Only one person should speak at a time.
- (7) Address jurors by name or number for proper identification during voir dire.
- (8) Solicit verbal responses from all witnesses since the recording system can only pick up spoken words. Avoid "uh huh," "huh uh", head nods, and gestures.
- (9) Avoid shuffling papers or making other noises when people are talking. Move away from the microphone before coughing or sneezing.
- (10) Use the mute button to consult with a client or make statements that should not be recorded. Be sure the mute button is off and the microphone is on before proceeding.
- (11) When at a bench conference, avoid blocking the microphone with documents and speak one at a time into the sidebar microphone.
- (12) When there are multiple cases set for hearing, hold discussions outside the courtroom or away from microphones.

3.2 Georgia Realtime License

1. Qualifications

To obtain a Georgia Realtime License (GRL), an applicant must:

- A. Qualify as a Georgia certified court reporter in good standing; and
- B. 1) Successful achievement on the realtime certification exam administered by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association (NVRA); or

- 2) Achieve a minimum score of 90 percent on the realtime certification exam administered by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association (NVRA); or
- C. Be grandfathered as a realtime reporter by April 1, 2016. To satisfy the grandfathering requirement, a court reporter shall make an application on an approved Board form documenting the judge's affirmation of the reporter's capability to deliver a realtime feed.

2. Certification and Training Requirements

- A. The Board shall issue the designation, Georgia Realtime License (GRL), to display on the court reporters certificate annually; and
- B. Each court reporter issued a GRL shall comply with the training requirements as determined by the Court Reporters' Training Council.

3. Fees

In order to charge for realtime services, court reporters must possess a GRL as set forth above.

APPENDIX A

Judicial Council of Georgia Fees for Services by Official Court Reporters Effective January 1, 2015

CRIMINAL CASES

Takedown		Preliminary Unedited Copy ¹		Certified Transcript	
Court Attendance ¹	Court Attendance with Realtime Feed ¹	Daily Copy ²	Expedited Copy ²	Page Rate	Exhibit Page Rate ⁴
≤ 8 hrs. = \$200.00 > 8 hrs. = \$235.00	≤ 8 hrs. = \$260.00 > 8 hrs. = \$290.00	\$7.60/page	\$5.70/page	≤ 120 days = \$6.00 > 120 days = \$5.00 ³	\$0.50

*[See **Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases, 2.1 Takedown and Transcript Filing in Criminal Proceedings**, for mandatory and discretionary takedown and transcript filing.]*

¹ As authorized by the court.

² Daily copy is furnished within 24 hours from the close of court. Expedited copy is produced within 48 hours from the close of court. The transcript page rate is in addition to these fees.

³ See Policy 2.3 (C), Time Period for Filing Transcript, for discretion of judge in determining page rate for extensions.

⁴ If evidence not tendered digitally to court.

Appendix B

INVOICE

Date

Invoice No.

TO: County Fiscal Office or Name
Address
City, State Zip Code

FROM: Name
Address
City, State Zip Code

Vendor No./Other identifier:

DATE OF PROCEEDING (--/--/----	NAME OF JUDGE AND COURT	CASE NUMBER	TYPE OF PROCEEDING	INVOICE CODE	# DAYS	# PAGES	TOTAL
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.
							.

Explanation of Other:*

INVOICE TOTAL

.

I swear that the information provided is true and correct and in compliance with the Judicial Council of Georgia Fees for Services by Official Court Reporters.

Signature (Court Reporter)_____

Approved by (Name)_____Signature_____

INVOICE CODES AND FEES							
CA	Court Attendance	\$200.00 (≤8 hrs.)	CART	Court Attendance-Realtime	\$260.00 (≤8 hrs.)	TDLY	Takedown/Daily Copy \$7.60 /page
CA/O	Court Attendance/ Overtime	\$235.00 (>8 hrs.)	CART/O	Court Attendance- Realtime/Overtime	\$290.00 (>8 hrs.)	TEXP	Takedown/Expedited Copy \$5.70/page
						T	Transcript \$6.00/p. (≤120 days); \$5.00/p. (>120 days), unless extended by judge
						Other*	(Explain service and charge, above.)
						EX	Exhibits (not digitized) \$.50/page

Appendix C

Sample Transcript

Judicial Council of Georgia
Policies and Fees for Court Reporting Services in Criminal Cases
[Effective with Court Attendance and Transcripts Ordered after January 1, 2015.]

Under O.C.G.A. Title 15, Chapter 14, the Judicial Council is authorized to define and regulate the practice of court reporting to uphold the administration of justice. Production of the official court record is an essential business process contributing to court users' access to and fairness in Georgia courts, and each court has the responsibility to effectively manage that process. Through the following policies and fees, as well as the certification and regulation of court reporters, the Judicial Council identifies best practices and policies to assist judges in executing this responsibility to the citizens of the state.

1.1 Application of Fee Schedule for Court Reporting Services

The Judicial Council of Georgia *Fees for Services by Official Court Reporters* (Appendix A) applies to court reporters who are independent contractors. Courts that hire court reporters as employees shall arrange compensation and scope of work for them under their terms of employment, similar to other employees, using the fee schedule as a guide for salaries.

1.2 Contingent Expense and Travel Allowance

[Note: To better reflect typical travel guidelines that disallow expense reimbursement for travel between home and place of employment, O.C.G.A. §15-14-6 should be amended to remove the contingent expense and travel allowance for official court reporters serving a single-county jurisdiction. The ACCG or other interested organization should propose legislation to amend the statute clarifying that the contingency travel fee does not apply to single county circuits.]

1.3 Model Invoice for Services by Official Court Reporters

The Judicial Council recommends use of the model invoice contained in Appendix B to be submitted no less than once per month. Invoices incorporating substantially the same information may be used if approved by the court.

1.4 Format and Style of Transcripts

Standards for transcripts assure fair, equitable, and uniform treatment of parties. In all criminal cases filed after January 1, 2015, case transcripts shall be produced in searchable portable document format (.pdf), or another approved electronic format with document search capability, and filed with the clerk of court in a medium that can be stored electronically.

The following format and style shall be used for the production of all transcripts in Georgia courts. (See Sample Transcript, Appendix C.)

A. Margins

Preprinted solid left and right marginal lines shall be placed on the transcript page so that text begins 1-3/4 inches from the left side of the page and ends 3/8 inch from the right side of the page.

B. Character Spacing

The letter character size shall be 10 letters to the inch, providing for approximately 63 characters per line.

C. Lines and Line Numbering

Each page shall include numbers indicating each line of transcription on the page and shall contain 25 lines of double-spaced text. If a page contains less than 13 lines, no charge shall be assessed. A page containing 13 or more lines will be charged as a full page. The last page will be charged as a full page, regardless of the number of lines.

Page numbers or notations are not considered lines of text.

D. Indentations**1. Question and Answer (Q&A)**

For Q&A, indentation from the left margin shall be five spaces for the first line and none for subsequent lines.

2. Colloquy

On the first line, indentation from the left margin shall be ten spaces, followed by speaker identification and a colon, with the statement beginning two spaces after. Subsequent lines shall be indented five spaces from the left margin.

3. Additional Testimony

Depositions read at trial, if taken down as part of the trial transcript, shall be formatted the same as oral testimony, with the same indentations as Q&A. In a transcript, each question and answer read verbatim from a deposition shall be preceded by a quotation mark. At the conclusion of the reading, there shall be a closing quotation mark.

E. Page Numbering

Transcript page numbers shall be printed at the bottom right of each page. Pages shall be numbered consecutively beginning with page "1."

F. Cover Page

Each transcript shall include a cover page indicating:

- (1) court name;
- (2) case name and number;
- (3) name and title of judge;
- (4) type, date, location, and time of proceeding;
- (5) name and address of each attorney and party represented;
- (6) whether jury was present;
- (7) court reporter's name, address, and contact information;
- (8) volume number if multi-volume transcript (ex: Volume 1 of 3 in Arabic numerals).

G. Index

Each transcript shall contain a general index, a witness index, and an exhibit index. When a transcript has more than one volume, each volume shall contain a general index, a witness index, and an exhibit index.

- (1) The general index shall list all occurrences in chronological order, including the charge of the court.
- (2) The witness index shall list all witnesses in the order of their appearance with associated page numbers of their testimony on direct, cross, redirect, and re-cross examinations.
- (3) The exhibit index shall list each exhibit received into evidence with its description and associated page numbers when tendered and admitted.

H. Parenthetical Notations

Parenthetical notations, when appropriately separate from dialogue, must begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin.

I. Exhibits

Documents, photographs, and physical evidence must comport with Rules 71 to 74 of the Supreme Court of Georgia and Rule 17 of the Court of Appeals of Georgia. Audio/video recordings played in court entered as an exhibit in a proceeding need not be transcribed unless ordered by the court.

2.1 Takedown and Transcript Filing in Criminal Proceedings

A. Takedown

1. The following shall be taken down:
 - (1) All proceedings in death penalty cases.
 - (2) All habeas corpus proceedings.
 - (3) Felony cases
 - (a) Guilty pleas and nolo contendere pleas.
 - (b) During trial, all evidence including testimony, objections and rulings, motions and rulings thereon, jury charge, and sentencing.
 - (c) Motion for new trial hearings.
 - (4) Guilty pleas and nolo contendere pleas in misdemeanor cases.
2. All other proceedings in felony or misdemeanor cases, such as pretrial motions, voir dire, opening statements, colloquies, closing arguments, and probation revocation hearings shall be taken down only when requested by the court, counsel, or defendant.
3. No proceeding in magistrate court other than required by law shall be taken down unless requested by the court, counsel, or defendant.

B. Preparation and Filing of Transcript

1. A transcript shall be prepared and filed in:
 - (1) All death penalty case proceedings.
 - (2) Felony trials, jury or non-jury, resulting in a guilty verdict.
2. When requested by the court, counsel, defendant, or petitioner, a transcript shall be prepared and filed in all other proceedings.

2.2 Documentation of Evidence

To comport with appellate court requirements and other Judicial Council rules and policies, the case transcript shall include all evidence (exhibits) in digital format. Documentary evidence, photographs of physical evidence, and video and audio recordings shall be provided to the court reporter in digital format at the time of tender, unless otherwise ordered by the court.

2.3 Certified Transcript is a Public Record

A. Certification and Filing of Transcript

In all criminal cases, when a transcript is required or requested to be prepared, it shall be filed with the clerk of court immediately upon completion and certification. The court reporter shall notify the court, prosecutor, defense attorney(s), and/or self-represented defendants(s) of the date the transcript is filed with the clerk of court and, only after receiving payment for the original, filed transcript, provide each party with a digital copy of the transcript at no charge. If a transcript is required to be prepared by the court, the law, or the Judicial Council Policies and Fees in Criminal Cases, the appropriate governing authority shall pay the court reporter for the production of the transcript. If a transcript is not required to be prepared but is requested by a party, the party shall pay the court reporter for the production of the transcript.

Once filed, the transcript is a public record, and copies may be provided at the rate determined by the clerk or by law as any other public record.

B. Electronically Certified Transcript

Transcripts may be electronically certified. Any transcript electronically certified must include a certificate as described by O.C.G.A. § 15-14-5 and must include the electronic signature of the court reporter. The electronic signature shall be unique to and under the sole control of the court reporter using it and constitute evidence of a legal signature of the court reporter.

C. Time Period for Filing Transcript

Unless other time periods are adopted by a court, the following shall be the time periods for filing transcripts.

1. Other than in a death penalty case governed by the Unified Appeal procedures, any transcript required to be prepared shall be filed with the clerk of court no later than 120 days from the date of conclusion of the proceeding for which the transcript is required to be prepared.
2. Any transcript to be prepared only upon request shall be filed with the clerk of court no later than 120 days from the date of the request for transcript. The request for transcript shall be made in writing to the court reporter and a copy sent to the clerk of court by the requesting party.

A maximum of one 60-day extension for filing a transcript may be granted by the court. An extension shall be requested in writing and signed by the judge, with a copy sent to the clerk of court. For good cause shown by the court reporter, the judge may extend the time for filing beyond 180 days.

If the judge authorizes an extension for filing a transcript beyond the 120-day time period or the time period otherwise adopted by a court, the judge shall determine, in his or her

discretion, the appropriate page rate and include it in the order approving the request. Such discretion, however, shall be limited to a page rate published in the *Judicial Council of Georgia Fees for Services by Official Court Reporters, Criminal Cases*.

2.4 Business Continuity

Each court is responsible for ensuring that an accurate record of court proceedings is produced as an essential requirement of due process of law.

To ensure business continuity, it is recommended practice that the court maintain a record of court proceedings irrespective of the production of the official record. The record maintained by the court is owned by the court and shall be made available to the public as required by law.

In the interest of preserving the business continuity of the court, court reporters shall, if not otherwise provided for by the court, create and retain a digital audio recording of all court proceedings. Court reporters shall, not less than once per month, deposit copies of all these digital audio recordings and all other recordings, notes, other records which have not been reduced to typed or printed documents, and other records relating to generation of certified transcripts into a common repository in a manner specified by the uniform rules for each class of court. Physical evidence need not be deposited. The court reporter's deposit shall identify the case or cases contained therein. Court reporters shall begin making these deposits upon approval of the applicable uniform rule.

~~In addition to official reporting of court proceedings, it is recommended that the court require a digital recording of proceedings where transcripts are required or the court determines it is otherwise necessary to ensure business continuity. Courts utilizing digital recording for business continuity should follow the policies and procedures set forth in Policy 3.1 for the management of digital recording equipment and personnel assigned to its operation. Digital recordings should be stored in a secure, accessible location; indexed for convenient retrieval; and retained according to applicable retention schedules.~~

~~As an alternative to digital recording, the court may designate as the business continuity recording a backup recording generated by a court reporter who takes down assigned court proceedings. If so designated, a court reporter who takes down an assigned court proceeding shall generate a backup recording and provide it to the court on a periodic schedule (daily, weekly or monthly) as ordered by the court.~~

3.1 Digital Recording

I. Digital Recording of Court Proceedings

A. Digital recording is a sound recording process that converts audio or analog signals to electronic format for storage and integration with other digital applications, such as case management and calendaring systems.

B. Digital recordings and related materials are part of a comprehensive transcript management system that governs the life cycle of the court record from the initial court proceeding through the filing of a transcript. These recordings and materials are preliminary to the transcript and are owned by the court.

C. Digital recording may not be used as the verbatim recording in death penalty and other felony trials unless (1) authorized by the court and operated according to this policy or (2) as a secondary

record of proceedings under a pilot project of limited duration to study the feasibility of a recording system.

II. Licensing of ~~Digital Monitors~~ Electronic Reporter-Transcriber (LERT)

A. Preliminary Qualifications

To apply for licensure as a digital monitor, a candidate shall meet the following qualifications:

- (1) At least 18 years of age,
- (2) High school graduate or equivalent, and
- (3) Good moral character.

B. Application for License

A candidate for initial licensure as an ~~digital monitor~~ Electronic Reporter-Transcriber shall:

- (1) Apply for, pass, and receive notice of passing ~~an exam~~ both CER (Certified Electronic Court Reporter) and CET (Certified Electronic Transcriber) exams offered by the American Association of Electronic Reporters and Transcribers (AAERT) ~~for Certified Electronic Court Reporter, Certified Electronic Court Transcriber, or both;~~
- (2) Complete the Board of Court Reporting's application for a licensed ~~digital monitor~~ Electronic Reporter-Transcriber (LERT); and
- (3) Pass the Georgia Written Test that assesses knowledge of the laws, rules, and regulations pertaining to court processes and court reporting in Georgia.

C. Initial and Continuing Education

Within twelve months of initial licensure, a ~~digital monitor~~ Licensed Electronic Reporter-Transcriber (LERT) shall complete the Board-sponsored educational program for new digital monitors.

To qualify for licensure renewal, a ~~digital monitor~~ Licensed Electronic Reporter-Transcriber shall complete and submit a certificate for a minimum of ten hours of Board-approved continuing education each year.

D. Disqualification for Act of Dishonesty

Any applicant who commits any act of dishonesty with respect to any portion of the exam shall immediately be disqualified and will not be eligible to take the exam again for a period of two years from the date of the exam on which the applicant was disqualified.

E. License

After an applicant has met all requirements for licensing, the Board shall issue a license with a unique identification number to the ~~digital monitor~~ Licensed Electronic Reporter-Transcriber. ~~The license shall designate the proficiency in which the digital monitor is licensed to practice from the following:~~

- ~~— (1) Licensed electronic recorder (LER);~~
- ~~— (2) Licensed electronic transcriber (LET); or~~
- ~~— (3) Licensed electronic recorder and transcriber (LERT).~~

F. Right to Review

The Board reserves the right to refuse to allow testing or licensing of any applicant for good cause.

III. Standard Operating Procedures and Rules

A. Supervision of Digital Monitors

1. The chief judge of each court may designate an administrator or a managing court reporter to oversee the digital audio recording of court proceedings.
2. The administrator or managing court reporter shall be responsible to:
 - a. Appoint, schedule, and supervise digital monitors for the purpose of equitably distributing workload and assuring the lowest overall cost to the court.
 - b. Verify certification records for all digital monitors working in the court's jurisdiction.

- c. Review the work and work product of digital recording monitors and report regularly to the chief judge.
- d. Manage the preparation of transcripts of digitally recorded proceedings.
- e. Coordinate requests and orders for digital recordings and transcripts and review related invoices for payment.

IV. Procedures and Best Practices for the Use of Digital Recording Technology

A. Signage

Signage provides important reminders to litigants, staff, and the public that the proceedings are being recorded and that anything spoken may be recorded.

1. The following is suggested language for signs placed at each table microphone, podium, and on the judge's bench:

- (1) *The court may be electronically recording proceedings.*
- (2) *Speak clearly and slowly into the microphone.*
- (3) *Speak in normal conversational tone. Do not whisper.*
- (4) *Do not speak over another person.*
- (5) *Remain seated or at the podium.*
- (6) *Mute microphone for private conversations.*

2. The following is suggested language for a sign posted at the courtroom entrance door:

The court may be electronically recording proceedings. Silence in the gallery and litigation area is required. Remain seated and do not approach the bench until instructed to do so.

Courtroom participants may also need to be informed that the recording system may purposely or inadvertently remain operational between proceedings and/or after the proceeding has ended.

B. Opening Announcement

For some or all proceedings, the judge may choose to supplement signage by opening the court session with an opening announcement similar to the following:

These proceedings are being electronically recorded. Please clearly state your name and appearance for the recording. Speak clearly and directly into the microphone. Do not speak over each other. All responses must be made orally. Avoid gesturing or head nodding, as these gestures will not be captured for the record.

C. Procedures for ~~Digital Monitors~~ Licensed Electronic Reporter-Transcriber

The ~~digital monitor (monitor)~~ Licensed Electronic Reporter-Transcriber is responsible for producing backed up recordings of court proceedings using a digital recorder. The Licensed Electronic Reporter-Transcriber ~~The monitor~~ produces log notes and other material containing the spelling of proper names, unusual terms, and beginning and end times enabling systematic playback.

In general, responsibilities include:

- (1) Being physically present in the courtroom during all proceedings;
- (2+) Assisting in identifying the best placement of microphones in the courtroom to achieve the goal of maximizing channel-to-channel voice separation for all speaking participants;
- (32) Monitoring the recording through headphones to ensure that the proceedings are being properly recorded by the digital recording equipment;

- (43) Taking and maintaining log notes and relevant lists of attorneys' names and addresses, witnesses, exhibits, and other information;
- (54) Playing back recorded court proceedings, as directed by the judge; ~~and~~
- (6) Transcribing all proceedings requested and/or required; and
- (75) Ensuring that the recording is properly stored and archived at the court.

1. Case Management System Entries

When appropriate, the ~~monitor~~-Licensed Electronic Reporter-Transcriber may be assigned responsibility for making entries into the court's case management system (CMS) for proceeding start and end times, appearances, court orders, and next hearing dates. For example, at arraignment or change of plea sessions, the ~~digital monitor~~-Licensed Electronic Reporter-Transcriber may be assigned responsibility for entering conditions of release, fine amounts, and conditions of probation into the court's CMS.

2. Practices and Procedures

a. Preparation for proceedings

i. Supplies

Make sure that all necessary supplies for producing a recording, making log notes, marking exhibits, and preserving the record are available and accessible. Supplies could include headphones, the court calendar and docket, pens, pencils, legal pads, blank appearance sheets, witness and exhibit lists, and compact disks used for archiving the recording.

ii. Daily Testing

- (1) Test the recording and log notes software for operating functionality.
- (2) Check the microphone and camera placement in the courtroom according to the type of case and the flow and movement of the participants.
- (3) Test the recording quality of each microphone and the wiring by speaking into each microphone and listening to the recorded result on each audio channel. Problems could be caused by the microphones not being plugged into the proper channels or equipment or not being set on "Record" mode. Report any problems so that they can be fixed prior to the day's proceedings.

iii. Default Settings

If default settings are used, check whether the system has been set back to the appropriate default setting and, in particular, that the setting accurately identifies the name of the judge presiding over the recorded proceeding.

iv. Communication with Judge

Determine how the judge would like to be notified or interrupted by the ~~monitor~~-Licensed Electronic Reporter-Transcriber during _____ the court _____ proceeding if the record is not being captured.

b. During Proceedings

i. Operation

The recording system should be operated at the direction of the judge.

ii. Confidential Communications

- a. The court should post signs providing notice that any conversations occurring in the room and, in particular any conversations at the attorney/party tables, may be recorded at any time.

- b. The court should install microphones with “hold to mute” buttons for microphones used by attorneys and the judge.

iii. Monitor Through Headphones

Using headphones, monitor what is being recorded onto the audio channels, not what is being said into the microphones, ensuring that the proceedings are being adequately and intelligibly recorded (known as “confidence monitoring”).

iv. Interrupting Proceedings

- a. The ~~digital monitor~~ Licensed Electronic Reporter-Transcriber should strive for an unobtrusive presence interrupting _____ proceedings only as necessary and in accordance with protocols established with the _____ judge. ~~Monitors~~ Licensed Electronic Reporter-Transcriber must use their best judgment before interrupting, since an interruption may not be desirable at a critical point in testimony. It may be _____ necessary _____ to interrupt proceedings to:

- (1) Request the correct spelling of names or technical or unfamiliar names;
- (2) Request that a party move closer to the microphone;
- (3) Request that a person stop tapping a microphone or shuffling papers too close to it;
- (4) Request that a non-verbal response be made audible; or
- (5) Request that a party slow down his or her speech pattern.

- b. Interrupt the proceeding and notify the judge when a record is not being made. Examples include:

- (1) Technical failure of the equipment
- (2) The speaker’s words are inaudible for reasons including:
- (3) Audio level of the recording is not adequate
- (4) Parties are speaking too softly or too rapidly
- (5) Parties are talking simultaneously over each other
- (6) Excessive shuffling of papers
- (7) A microphone remains muted
- (8) Excessive gallery or extraneous noise.

- c. ~~Monitors~~ Licensed Electronic Reporter-Transcriber must use their best judgment before interrupting. An interruption may _____ not be desirable at a critical point in testimony.

v. Off the Record Discussions

The recording should be stopped for “off the record” discussions only at the direction of the judge and only as long as the judge directs that the discussions not be recorded.

vi. Sidebar or Bench Conferences

Sidebar or bench conferences are part of the official record and need to be recorded unless the judge orders otherwise. Because these conferences are often whispered, it is important to monitor the volume and to ensure that the log notes identify each speaker.

vii. Jury Voir Dire

Creative microphone placement and/or the use of wireless microphones can help avoid problems with voir dire. The judge and attorneys should address jurors by name or number for proper identification during questioning. ~~Monitors~~ Licensed Electronic

Reporter-Transcriber may need to be particularly vigilant at asking potential jurors to speak up.

viii. Language Interpreters

Digital recording preserves both the English and the foreign-language interpretation making it possible to confirm accuracy. The interpreter must be provided with a microphone assigned to a channel that is not the same as the channel assigned to the witness in order to ensure that the witness is not speaking over the interpreter. Log notes on when the interpreter is interpreting and the identity of the speaker whose words are interpreted are particularly important.

ix. Log Notes

Log notes allow for a simplified search of the electronic record for the playback of testimony during and after court proceedings.

- a. For all court proceedings, log notes must contain:
 - (1) Names/Identifiers - the full name of the judge, parties, and attorneys present and not present; case caption; and case number; and
 - (2) Time - the beginning and end times of each proceeding.

[Note: The digital recording software should automatically insert the beginning and end times along with any time that the recording is paused, started, or stopped. In court sessions where proceedings overlap, the monitor-Licensed Electronic Reporter-Transcriber will need to be particularly diligent at logging start and stop times and may not be able to rely on the software to do so.]

- b. For trials and evidentiary proceedings, log notes must contain:
 - (1) Names/Identifiers - the full name of the judge, monitor-Licensed Electronic Reporter-Transcriber, parties, and attorneys present and not present; case caption; and case number;
 - (2) Time - the beginning and end times of each proceeding;

[Note: Log notes should also identify the time that each type of examination (direct, cross, *voir dire*) begins, the time that any off the record discussion begins, and the time that the jury enters or leaves the courtroom.]

- (3) Spelling/Unusual Names and Terminology - uncommon words, proper nouns, unusual phrases or jargon, events occurring on the record, attorney objections, and court rulings; consider a separate word list with the spelling of proper nouns and technical jargon;
- (4) Trial Events - the calling and swearing in of witnesses, the beginning of each type of examination, all attorney objections and court rulings, exhibit marking and identifying, motions for admission of evidence, references to statutes and rules and any other information that would assist transcription; commonly used abbreviations may be useful;
- (5) Identifying Speakers by Channel - speakers may move between multiple microphones during a proceeding, so it may be useful to develop a code to identify a speaker on a particular channel at a particular time.

[Note: A standard setup for channel allocation could serve as a useful guide in the majority of cases. For example:

- ① Judge/Jury/Bench or Well

- ② Witness
- ③ Defendant
- ④ Plaintiff

- (6) Nonverbal occurrences - such as “witness nodded head” and could indicate times when attorneys are conferring off the record;
- (7) Abbreviations – for commonly understood standard terms, such as “YH” for “Your Honor;”
- (8) Shortcuts - as needed to identify speakers in the log notes during rapid fire colloquy with the judge, such as “Jones, then Smith, then Judge, Jones again, then Smith, etc.;

x. Appearance/Information Sheet

- a. For indexing case information, enter case information onto a digital or paper appearance/information sheet identifying the case along with the judge’s name and the names and spellings of the attorney(s) representing the parties in the case.

[Note: In some recording systems, this information can be entered when a recording is initiated, preserving it in a searchable format directly associated with the recording.]

b. For most hearings, the sheet should contain the:

- (1) date of the hearing;
- (2) full name of the judge and ~~monitor~~ Licensed Electronic Reporter-Transcriber;
- (3) case number, case name, and type of hearing;
- (4) full names and spellings of attorneys and self-represented litigants;
- (5) speaker identification codes selected for the log notes;
- (6) channel designation and seating arrangement for all parties.

[Note: In some recording systems, ~~monitors~~ Licensed Electronic Reporter-Transcriber can create name macros for all parties present for a case, enabling the monitor to quickly insert the full name of a party or an attorney by a single mouse click, entry, or keystroke combination.]

c. For trials and evidentiary hearings, the sheet should contain items (1)-(6), above, and the:

- (1) law firm and/or government agency names, street addresses, e-mail addresses, and business and cell phone numbers;
- (2) names of all witnesses;
- (3) description and number for all exhibits.

xi. Playback

a. As directed by the judge, locate the requested portion and play it back, using the courtroom public address system or sound reinforcement system such as a set of speakers connected to the recording personal computer.

b. After the playback, ask the participants to provide time for the ~~monitor~~ Licensed Electronic Reporter-Transcriber to resume duties before resuming the hearing.

[Note: The recording system should support immediate resumption after playback, with no interruption in the proceedings.]

c. At the conclusion of the day's proceedings

Follow court practice to properly store and archive the recording at the court. This could include:

- (1) backing up the day's recordings to the court's electronic network,

[Note: If the system does not enable backup onto a network, back up the day's recordings onto a compact disk.]

- (2) labeling the recordings to enable their retrieval during the retention period,
- (3) setting the system on the appropriate default setting for the next day's proceedings, and
- (4) shutting down the recording system.

D. Procedures for Judges

- (1) Verify with the ~~monitor~~ Licensed Electronic Reporter-Transcriber that the system is operational.
- (2) Make participants aware that the court proceeding is being electronically recorded.
- (3) Remind participants to speak loudly and clearly.
- (4) State each case by name and number and type of proceeding each time a case is called.

- (5) Remind all participants to properly identify themselves when making their appearance at the beginning of each proceeding and to spell their names for the record.
- (6) Request attorneys to give their appearances at the start of each day of a continuous, multi-day trial.
- (7) Remind attorneys to take necessary precautions (i.e. cover the microphone or use the mute button) when they wish to consult with clients during the hearing.
- (8) Point out to those present that coughing or sneezing near a microphone will adversely affect the recording.
- (9) Permit attorneys to remain seated during proceedings and make sure that they are speaking into a microphone.
- (10) Remind participants that only one person should speak at a time. Discourage overlapping questions and answers or colloquy.
- (11) Discourage speakers wandering around the courtroom unless wireless microphones are used.
- (12) Hold on the record bench conference conversations at the bench conference microphone.
- (13) Leave the judge's bench microphone turned on while in session.

E. Procedures for Attorneys and Courtroom Participants

- (1) Attorneys should inform their clients of the method of recording being utilized and take necessary precautions to protect disclosure of confidential communications during proceedings.
- (2) Upon speaking for the first time, identify yourself for the record. Spell your name and state whom you represent.
- (3) Provide the [monitor-Licensed Electronic Reporter-Transcriber](#) with the correct spellings of _ unusual or technical names and words to be used.
- (4) Avoid moving microphones.
- (5) Always remain within arm's reach of a microphone. If you approach the bench, wait until you are within arm's reach of a microphone before speaking again.
- (6) For the benefit of the written record, avoid speaking while witnesses or other counsel are speaking. Only one person should speak at a time.
- (7) Address jurors by name or number for proper identification during voir dire.
- (8) Solicit verbal responses from all witnesses since the recording system can only pick up spoken words. Avoid "uh huh," "[huh uh](#)", head nods, and gestures.
- (9) Avoid shuffling papers or making other noises when people are talking. Move away from the microphone before coughing or sneezing.
- (10) Use the mute button to consult with a client or make statements that should not be recorded. Be sure the mute button is off and the microphone is on before proceeding.
- (11) When at a bench conference, avoid blocking the microphone with documents and speak one at a time into the sidebar microphone.
- (12) When there are multiple cases set for hearing, hold discussions outside the courtroom or away from microphones.

3.2 Georgia Realtime License

1. Qualifications

To obtain a Georgia Realtime License (GRL), an applicant must:

- A. Qualify as a Georgia certified court reporter in good standing; and

- B. 1) Successful achievement on the realtime certification exam administered by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association (NVRA); or
- 2) Achieve a minimum score of 90 percent on the realtime certification exam administered by the National Court Reporters Association (NCRA) or the National Verbatim Reporters Association (NVRA); or
- C. Be grandfathered as a realtime reporter by April 1, 2016. To satisfy the grandfathering requirement, a court reporter shall make an application on an approved Board form documenting the judge's affirmation of the reporter's capability to deliver a realtime feed.

2. Certification and Training Requirements

- A. The Board shall issue the designation, Georgia Realtime License (GRL), to display on the court reporters certificate annually; and
- B. Each court reporter issued a GRL shall comply with the training requirements as determined by the Court Reporters' Training Council.

3. Fees

In order to charge for realtime services, court reporters must possess a GRL as set forth above.

APPENDIX A

Judicial Council of Georgia
Fees for Services by Official Court Reporters
Effective January 1, 2015

CRIMINAL CASES

Takedown		Preliminary Unedited Copy ¹		Certified Transcript	
Court Attendance ¹	Court Attendance with Realtime Feed ¹	Daily Copy ²	Expedited Copy ²	Page Rate	Exhibit Page Rate ⁴
≤ 8 hrs. = \$200.00 > 8 hrs. = \$235.00	≤ 8 hrs. = \$260.00 > 8 hrs. = \$290.00	\$7.60/page	\$5.70/page	≤ 120 days = \$6.00 > 120 days = \$5.00 ³	\$0.50

*[See **Judicial Council Policies and Fees for Court Reporting Services in Criminal Cases, 2.1 Takedown and Transcript Filing in Criminal Proceedings**, for mandatory and discretionary takedown and transcript filing.]*

¹ As authorized by the court.

² Daily copy is furnished within 24 hours from the close of court. Expedited copy is produced within 48 hours from the close of court. The transcript page rate is in addition to these fees.

³ See Policy 2.3 (C), Time Period for Filing Transcript, for discretion of judge in determining page rate for extensions.

⁴ If evidence not tendered digitally to court.

Appendix B INVOICE	Date	Invoice No.
------------------------------	------	-------------

Vendor No./Other identifier:

[illegible]

■

Approved by (Name) _____ Signature _____

CA	Court Attendance	\$200.00 (≤8 hrs.)	CART	Court Attendance-Realtime	\$260.00 (≤8 hrs.)	TDLY	Takedown/Daily Copy	\$7.60 /page	T	Transcript	\$6.00/p. (≤120 days);	Other* (Explain service and charge, above.)		
CA/O	Court Attendance/ Overtime	\$235.00 (>8 hrs.)	CART/O	Court Attendance- Realtime/Overtime	\$290.00 (>8 hrs.)	TEXP	Takedown/Expedited Copy	\$5.70/page			\$5.00/p. (>120 days), unless extended by judge	EX	Exhibits (not digitized)	\$.50/page

Appendix C

Sample Transcript



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia
FROM: Judge Christopher McFadden, Chair
Standing Committee on Court Reporting Matters
RE: Nominations for Members of the Board of Court Reporting
DATE: July 20, 2018

The Committee nominates the following persons to fill open seats on the Board of Court Reporting for a two-year term of office beginning July 1, 2018. Vacancies are for two certified court reporters, a member of the judiciary and a representative of the State Bar of Georgia. Please find below a synopsis of prospective candidates seeking to fill the open vacancies.

CERTIFIED COURT REPORTERS

Pavon Bohanan, CCR: Holds state and national certifications as a certified court reporter, obtaining her license in 1995. Ms. Bohanan is a 24/7 hands-on managing partner in the firm North Georgia Court Reporting, as well as an official court reporter to the Honorable John G. Breakfield, Hall County State Court. Ms. Bohanan is a voice-writer in good standing. She resides in Hall County. NEW APPOINTMENT.

Kevin King, CCR: Has more than 30 years of experience in the court reporting profession. He began court reporting in 1984 with Atlanta Reporting Service. Since 1988, he has worked for American Court Reporting in Atlanta as a freelance reporter. For five years during that time, he served as Southeast trainer for Gigatron Corporation's StenoCat software. He is currently manager of American Court Reporting, and he also works as a court reporter several times a year. He holds an A.S. degree in court reporting from Orlando College. He is a Machine Shorthand reporter in good standing. REAPPOINTMENT

REPRESENTATIVE FROM THE STATE BAR

Christopher Paul Twyman, Esq.: Practices in the areas of commercial and general business litigation, banking law, creditor's rights law and criminal defense. Mr. Twyman received his Bachelor of Arts from Georgetown University, where he majored in Government and minored in History. He obtained his Juris Doctor degree from the University of Georgia School of Law, he was a member of Phi Alpha Delta and was named to the Order of Barristers. He also served as a pupil in the Joseph Henry Lumpkin Inn of Court. Mr. Twyman served as Executive Chair on the

University of Georgia Moot Court Board and argued at the American Bar Association National Appellate Advocacy Competition in Boston, Massachusetts in 1998. Mr. Twyman was admitted to the State Bar of Georgia in 1999. He is admitted to practice in all Georgia trial and appellate courts, the United States District Court for the Northern District of Georgia, and the United States Court of Appeals for the Eleventh Circuit. Mr. Twyman is currently Vice President of the Rome Bar Association. NEW APPOINTMENT.

MEMBER OF THE JUDICIARY

The Honorable Brenda Trammell: Serves on the Superior Court of the Ocmulgee Judicial Circuit. Judge Trammell oversees the Baldwin County Adult Treatment Court Collaborative serving Baldwin, Greene, Hancock, Jasper, Jones, Morgan, Putnam, and Wilkinson counties. Before her appointment to the bench by Governor Nathan Deal in 2015, she served as a sole practitioner in Atlanta and in Madison, litigating both civil and criminal cases in all eight counties of the circuit where she is now a judge. She also had a busy appellate practice. She received her bachelor's degree from Tift College and her law degree from the University of Georgia School of Law. REAPPOINTMENT.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Jeffrey Thorpe, Research Analyst II
Judicial Council Administrative Office of the Courts

CC: Chief Judge David Emerson
Chair, Standing Committee on Judicial Workload Assessment

Cynthia Clanton, Director
Judicial Council Administrative Office of the Courts

Christopher Hansard, Division Director
Judicial Council Administrative Office of the Courts

RE: Committee Report: 2018 Judgeship Recommendations

DATE: July 27, 2018

The Standing Committee on Judicial Workload Assessment (SCJWA) met on June 29, 2018, to approve three items for Judicial Council action.

1. 2018 Judgeship Requests (*Action Item*)
2. Georgia Court Guide to Statistical Reporting (*Action Item*)
3. Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries (*Action Item*)

1. 2017 Judgeship and Circuit Boundary Requests

The Judicial Council has made recommendations regarding the need for superior court judicial resources to the Georgia General Assembly and the Governor annually since 1976. These recommendations are based on objective analyses of circuit caseload filings, types of cases, and available judge time. The analyses utilize a weighted caseload model, the standard for judicial workload assessment. The model is considered a best practice by the National Center

for State Courts. Workload assessments are based on a three-year caseload average making assessments less vulnerable to single-year fluctuations.

This year, the Committee received requests for workload assessment from four circuits: Cobb, Flint, Griffin, and Gwinnett. Based on the aforementioned analysis, Cobb, Griffin, and Gwinnett Circuits qualified for an additional judgeship. The Augusta Circuit was the subject of a circuit boundary alteration request, but the Circuit was not qualified for an alteration. The Committee approved all three judgeship request and submitted the circuits' qualification status to the Council for recommendation to the General Assembly and Governor.

See Attachment A for data on all the recommended circuits, including its demographics, case characteristics, and other pertinent information. Additional documents include the number of superior court judgeships granted by the Governor between 2008 and 2017, and supporting documentation from each circuit.

2. Review of the Georgia Court Guide to Statistical Reporting

The Committee reviewed the Georgia Court Guide to Statistical Reporting and approved the following updates (see Attachment B):

1. The "Common Definitions" section was updated with new manner of disposition categories (see page 4);
2. The case categories for the superior and state sections were updated to reflect the new caseload collection forms (see pages 6 and 10, respectively). The changes to the caseload form were made to reflect the civil and domestic filings forms recently updated by the Judicial Council and went in effect January 2018. Additionally, the Committee made changes to the collection of the Serious Felony category for superior courts that is now represented in the guide;
3. The municipal and civil/recorder's court sections were updated to reflect changes made to their caseload collection forms (see pages 19 and 20, respectively). The changes to the collection form where the result of the work by the Council of Municipal Court Judges and the Office of Research and Data Analysis at the JC/AOC to improve the data collection efforts of their courts; and
4. The reporting timeline was updated to reflect to beginning and conclusion of the 2019 caseload collection for the 2018 reporting year (see page 23).

Continuing the request of the Strategic Planning Committee, the Guide is being sent to the Judicial Council for approval. Upon approval, the Guide will be the official, approved way for Georgia courts to report their caseload.

3. Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries

The Committee revised the Judicial Council Policy on the Study of Superior Court Judgeships and Circuit Boundaries as follows.

Section 1.2, Number 3 – Clarified that the Council does not recommend single-judge circuits.

Section 2.1, Number 3 – Clarifies that, regardless of who requests a judgeship or circuit boundary study, the chief judge of the impact circuit(s) is notified and provides for a method for formally withdrawing a request.

Section 2.1, Number 4 – Requires that the AOC notify all circuits of their qualification status by May 1.

Section 2.2, Number 5 – Clarifies that all recommendations come to the Committee before Judicial Council and provides the Committee with discretion on hearing the votes of impacted circuits before forwarding a recommendation to the Council.

Section 2.3 – Makes all the same changes as in Section 2.2 and they related to circuit boundary requests.

Attachment A

STANDING COMMITTEE ON JUDICIAL WORKLOAD ASSESSMENT

2018 Report on the Requests for an Additional Judgeship

Table of Contents

1. Cobb Judicial Circuit Request for an Additional Judgeship
 - a) Section 1: Letter from Chief Judge Tain Kell
2. Griffin Judicial Circuit Request for an Additional Judgeship
 - a) Section 1: 2017 Griffin Judicial Circuit Workload Assessment
 - b) Section 2: Circuit Demographics and Case Statistics
 - c) Section 3: History of Case Totals
 - d) Section 4: Supporting Documentation for Griffin Circuit Additional Judgeship
3. Gwinnett Judicial Circuit Request for an Additional Judgeship
 - a) Section 1: 2017 Gwinnett Judicial Circuit Workload Assessment
 - b) Section 2: Circuit Demographics and Case Statistics
 - c) Section 3: History of Case Totals
4. Number of Authorized Superior Court Judgeships 2009-2018



JUDGE C. LATAIN KELL
SUPERIOR COURT OF COBB COUNTY
30 WADDELL STREET
MARIETTA, GEORGIA 30090-9642

TELEPHONE (770) 528-8130
FACSIMILE (770) 528-8128

July 26, 2018

Cynthia H. Clanton, Esq., Director
Administrative Office of the Court
244 Washington Street, Suite 300
Atlanta, GA 30334-5900

Honorable David T. Emerson, Chief Judge
Chairman, Workload Study Committee
Douglas County Superior Court
Douglas County Courthouse
8700 Hospital Drive
Douglasville, GA 30134

RE: Request for New Judgeship, Cobb Judicial Circuit

Dear Chief Judge Emerson, Ms. Clanton, and Members of the Workload Study Committee:

As you know, the Cobb Superior Court is currently undertaking an audit for case count data for the years 2015-2017 with the assistance of the Carl Vinson Institute of Government. That audit is progressing well, and we look forward to having data that we can verify for the AOC's database at the conclusion of the audit.

Unfortunately, the principal auditor, Kris Sikes, reports that they do not anticipate completion of the audit until sometime in late August or early September. This timeline does not allow us to meet the AOC's deadline or the Judicial Council's timetable for new judgeship recommendations. For this reason, I am formally withdrawing the Cobb Judicial District's request for consideration for an eleventh judge for this calendar year. Once the audit is complete and we have verified numbers for the Council's consideration, I hope that we will be submitting a request for consideration in 2019.

I cannot fully express my thanks for the amazing assistance that has been extended to our circuit throughout this process by the committee, the AOC and its staff. I sincerely appreciate everything that Judge Emerson, Cynthia Clanton and Christopher Hansard, in particular, have done to help.



JUDGE C. LATAIN KELL
SUPERIOR COURT OF COBB COUNTY
30 WADDELL STREET
MARIETTA, GEORGIA 30090-9642

TELEPHONE (770) 528-8130
FACSIMILE (770) 528-8128

I am thankful for your kind consideration of our request. I look forward to working with all of you again on this issue in the future.

Sincerely,

C. Latain Kell
Chief Judge,
Cobb Judicial Circuit

Section 1: 2017 Griffin Judicial Circuit Workload Assessment

Griffin Judicial Circuit Assessment 2015-2017

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Serious Felony	470	353.79	166,163.37
Felony	1,197	49.30	59,012.10
Misdemeanor	271	13.17	3,569.07
Death Penalty	0	7,200.00	2,400.00
Probation Petition	1,420	19.34	27,456.35
General Civil Cases			
Appeal/Review	50	54.58	2,729.00
Contract/Account	235	15.80	3,718.27
Dispossession/Distress	4	27.02	117.09
Forfeiture	27	66.75	1,780.00
Habeas Corpus	7	134.35	895.67
Non-Domestic Contempt	2	76.57	178.66
Other General Civil	481	38.01	18,295.48
Post Judgment/Garnishment	80	3.31	263.70
Real Property	37	154.20	5,705.40
Tort/Negligence	197	125.31	24,686.07
Domestic Relations Cases			
Adoption	68	52.51	3,588.18
Child Support Enforcement (CSE)	736	10.07	7,408.16
Contempt	849	26.22	22,260.78
Divorce/Alimony	1,030	45.92	47,312.91
Family Violence	179	24.32	4,361.39
Legitimation	96	32.14	3,085.44
Modification	195	58.03	11,315.85
Non-CSE Custody	110	187.67	20,581.14
Other Domestic	50	11.67	579.61
Special Cases			
Death Penalty Habeas Corpus	0	7,640.40	0.00
Assignments			
Felony Accountability Court Pre/Post	29	207.23	5,940.59
Adjudication Participants			
Felony Accountability Court Probation	5	207.23	1,036.15
Revocation Participants			
Total	7,825	16,834.91	442,961.31

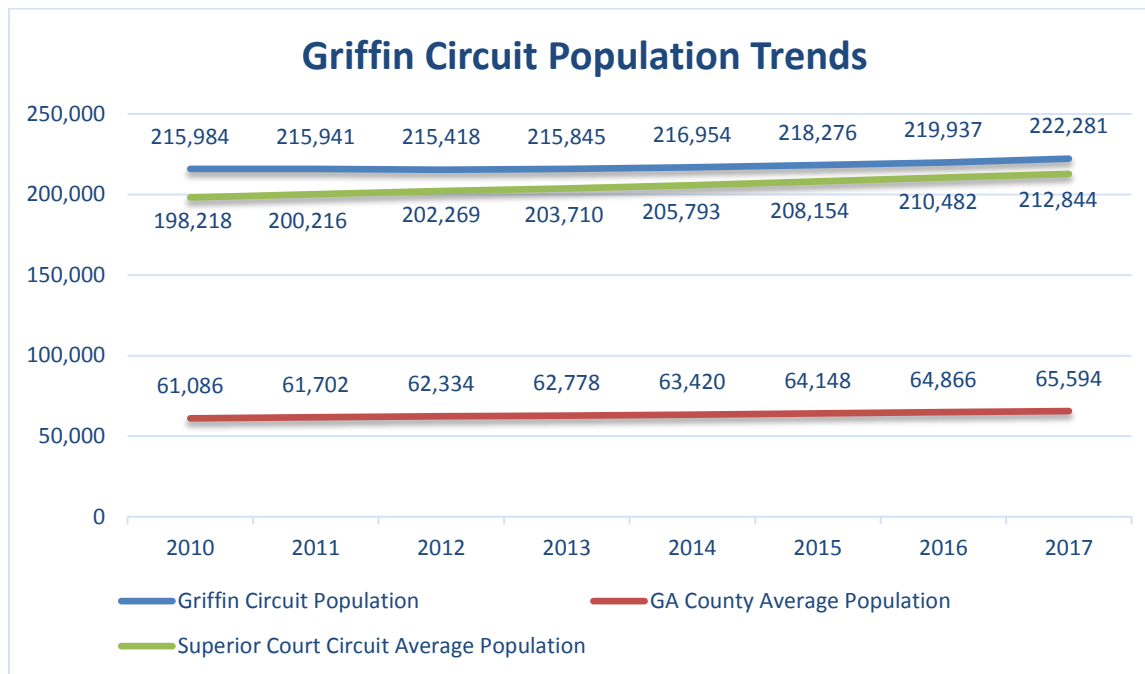
Circuit Values	
Judges	4
Counties	4
Grand Total Minutes	442,961
Judge Year Value	78,900
Judge Workload Value	5.61
Threshold Value to Qualify	5.32
Status:	QUALIFIED

NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.
2. Accountability Court Felonies and Probation Revocations are subtracted from the Felony and Probation Revocation numbers reported. Accountability Court cases are added back in at the higher judge minutes at the bottom of the worksheet

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



**Population Estimates data was drawn from the U.S. Census Bureau*

The Griffin Circuit is a multiple-county circuit composed of Fayette, Pike, Spalding, and Upson counties. The population within the Griffin Circuit has remained stagnant over the past seven years. Since 2010, the Griffin Circuit has only had a 2.9% growth in population. This growth mirrors the growth in the population per each superior court circuit in the state since 2010. In addition to the population being over the average Georgia circuit population, the Griffin Circuit's population greatly surpasses the average per county population.

Section 2-2: Judicial Demographics

Griffin Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
4	2	2	4	12

Caseload Statistics

Three-Year Average Criminal Case Filings (2015-2017)

Serious Felony	Felony	Misdemeanor	Death Penalty	Probation Revocation	Accountability Court Participants	Total Criminal
470	1,197	271	.33	1,420	34	3,392

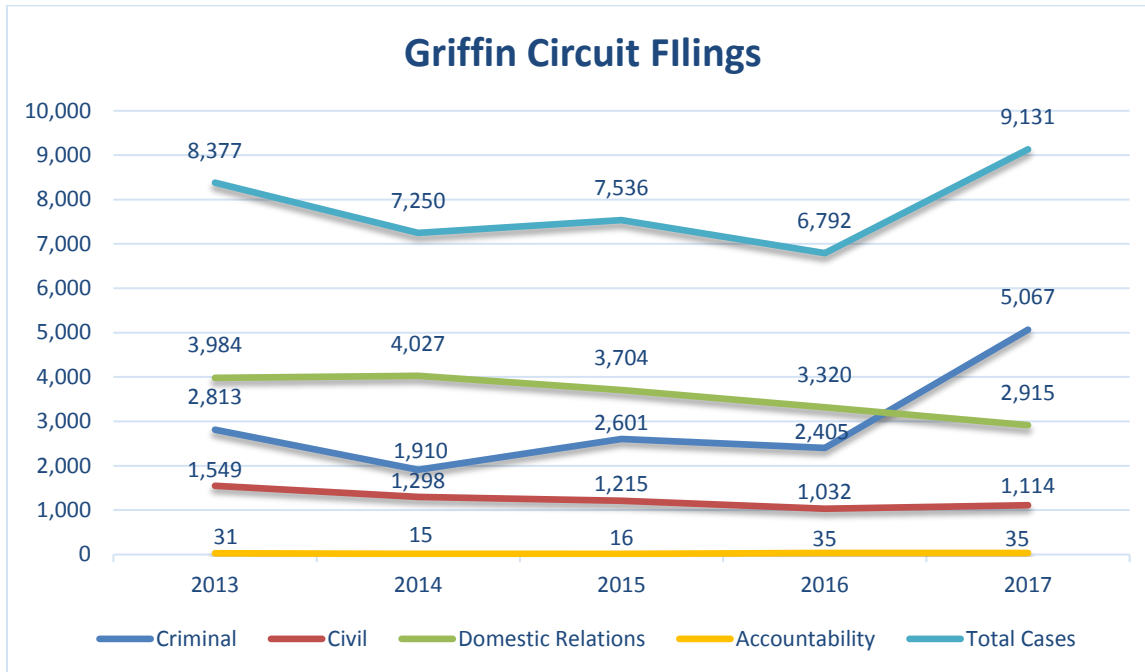
Three-Year Average Civil Case Filings (2015-2017)

General Civil	Domestic Relations	Total Civil
3,313	1,120	4,433

Workload Assessment (2015-2017)

Total Cases Filed	Judge Workload Value	Threshold Value
7,825	5.61	5,32

Section 3: History of Case Totals



The Griffin Circuit has seen a considerable amount of change regarding case filings over the past few years. Despite having a decline after 2013, Griffin Circuit had minor fluctuations between 2014 to 2016 before hitting their peak in 2017. In most categories, Griffin Circuit has seen a decline in their filings particularly with domestic relations that decreased by 26.8% and civil which decreased by 28.1%. The most significant variation was with Griffin's Circuit criminal caseload. Since 2013, the circuit has seen an 80% increase in their overall filings. Overall, the Griffin Circuit has had a nine percent growth in case filings since 2013.

VALENCIA SEAY
District 34
420 State Capitol
Atlanta, Georgia 30334-2000
Tel: (404) 656-5095
Fax: (404) 657-9728



COMMITTEES:
Government Oversight
Public Safety
Science and Technology
Appropriations
Transportation, Ex-Officio

The State Senate
Atlanta, Georgia 30334

July 11, 2018

Mr. Christopher Hansard, Division Director
Judicial Council of Georgia
Administrative Office of the Courts
244 Washington Street
Atlanta, GA 30334

Dear Mr. Hansard,

I would like to thank the Judicial Council of Georgia for conducting a thorough Assessment of the Griffin Judicial Circuit. It is imperative that the Griffin Judicial Circuit can adequately allocate time and services to each case.

Given the increasing workload of our current superior court judges and support staff, I would like to respectfully recommend an additional superior court judgeship for the Griffin Circuit. If you have any questions or concerns, please contact me directly at 404-274-3075 or my office at 404-656-5095.

Respectfully,

A handwritten signature in cursive script that reads "Valencia Seay".

Senator Valencia Seay
District 34



House of Representatives

JOSH BONNER
REPRESENTATIVE, DISTRICT 72
P.O. Box 3457
PEACHTREE CITY, GEORGIA 30269
E-MAIL: josh.bonner@house.ga.gov

COVERDELL LEGISLATIVE OFFICE BUILDING, ROOM 507
ATLANTA, GEORGIA 30334
(404) 656-0202
(404) 463-6381 (FAX)

STANDING COMMITTEES:
ECONOMIC DEVELOPMENT
AND TOURISM
INDUSTRY AND LABOR
HUMAN RELATIONS AND
AGING

July 11, 2018

Chief Judge Christopher Edwards
Griffin Judicial Circuit
Superior Court of Fayette County
1 Center Drive, Room 360
Fayetteville, GA 30214

RE: Additional judgeship for the Griffin Judicial Circuit

Judge Edwards,

I am in full support of adding another judgeship to the Griffin Judicial Circuit. This will have a positive impact on the public safety of our district and is a much needed move.

Thank you for bringing this matter to my attention and please let me know if there is anything further I can do to expedite this request.

Sincerely,

Representative Josh Bonner
Georgia House District 72



House of Representatives

DERRICK JACKSON
REPRESENTATIVE, DISTRICT 64
100 Commerce Drive #1052
Tyrone, GA 30290
derrick.jackson@house.ga.gov

COVERDELL LEGISLATIVE OFFICE BUILDING
ROOM 509
ATLANTA, GEORGIA 30334
404-656-0220 office
404-656-7789 fax

STANDING COMMITTEES:
DEFENSE & VETERANS AFFAIRS
ENERGY, UTILITIES & TELECOMMUNICATION
STATE PLANNING & COMMUNITY AFFAIRS

Judge Christopher C. Edwards,

I appreciate the opportunity to provide some input regarding the consideration of a 5th Superior Court Judge in the Griffin Judicial District.

From my understanding, existing judges are carrying caseloads equivalent of 5-6 judges, which is an overload and very problematic for judges, staff and citizens of the judicial district.

Also, most Atlanta-metro counties have at least 5 judges, and are not in judicial districts larger than Griffin Judicial District. For instance, Clayton County has 5 judges and Henry County has 3 judges.

Considerably, with the expansion of the filming and entertainment business in Fayette County, it is reasonable to anticipate that the courts will become more active with business related cases. I fully expect the voters will determine we need to have a statewide business court, and be certain of Fayette County needs to be part of the process.

In summary, I fully support a 5th Superior Court Judge in the Griffin Judicial District

Sincerely,

Derrick Jackson



KAREN MATHIAK
REPRESENTATIVE, DISTRICT 73
127 DUNWOODY CIRCLE
GRIFFIN, GEORGIA 30223
EMAIL: karen.mathiak@house.ga.gov

HOUSE OF REPRESENTATIVES

COVERDELL LEGISLATIVE OFFICE BUILDING
ROOM 607-F
ATLANTA, GEORGIA 30334
(404) 656-0287(O)
(404) 651-8086 (F)

STANDING COMMITTEES
HEALTH & HUMAN SERVICES
HIGHER EDUCATION
STATE PLANNING & COMMUNITY AFFAIRS

July 11, 2018

Honorable Christopher C. Edwards
Fayette County Justice Center
One Center Drive
Fayetteville, Georgia 30214

RE: Griffin Judicial Circuit 5th Judgeship

Dear Judge Edwards:

I am writing in support of a 5th Judicial Circuit Judgeship in Griffin for the Superior Court. This would be a tremendous help to current judges who have heavy caseloads. This would also benefit the D.A.'s office and the Public Defender's office as a whole because it will bring an additional Assistant District Attorney position and a Public Defender position to those offices as well.

A 5th Judicial Circuit Judge would help improve the judicial system and keep up with the ever growing cases within the Judicial Court.

I highly recommend and am in support of a 5th Judicial Circuit Judgeship for the Griffin Superior Court. If there is anything additional, please do not hesitate to contact me.

Sincerely,

Karen Mathiak
State House Representative
District 73



OFFICE OF THE SHERIFF
UPSON COUNTY, GEORGIA

DAN KILGORE
SHERIFF

235 Aviation Drive ★ Thomaston, Georgia 30286 ★ 706-647-7411

Honorable Christopher C. Edwards
Chief Judge, Griffin Judicial Circuit
One Center Drive
Fayetteville, Georgia 30214

Dear Judge Edwards,

The purpose of my letter is to offer my support for a 5th judgeship for the Griffin Judicial Circuit. I feel the addition of a 5th judge will be of great benefit to each citizen in our circuit. Public safety is a primary concern of our communities and a 5th judgeship will optimize efficiency within our court system.

Please advise if I may be of any assistance in this matter.

Sincerely,

Dan Kilgore, Sheriff
Upson County Ga.
July 13, 2018



Dan Kilgore
UPSON COUNTY SHERIFF

235 Aviation Drive
Thomaston, Georgia 30286
Office: 706-646-7900
Fax: 706-646-7951
Cell: 706-975-9045

dkilgore@upsoncountysheriff.com



SPALDING COUNTY SHERIFF'S OFFICE

Darrell Dix, Sheriff

Tony Thomason, Chief Deputy

July 19, 2018

Judge Edwards,

This letter is to voice my support for a 5th Superior Court Judge for the Griffin Judicial Circuit.

The addition of a 5th Judge will help expedite both criminal and civil cases and give assistance to the District Attorney's Office and Public Defender's Office by providing them with necessary staffing.

Thank You,

A handwritten signature in black ink, appearing to be "Darrell Dix", written over a horizontal line.

Sheriff Darrell Dix
Spalding County Sheriff's Office



Fayette County Sheriff's Office

BARRY H. BABB
SHERIFF

Randall Johnson Law
Enforcement Center
155 Johnson Avenue
Fayetteville, Georgia 30214
(770) 461-6353
EMERGENCY: 9-1-1

July 19, 2018

To Whom It May Concern:

I am writing to express my support for legislation creating a fifth judgeship in the Griffin Judicial Circuit. My support is based, not only on the need of the current judges, but on the needs of the District Attorney and Public Defender's Offices, who could benefit significantly from the additional positions created by virtue of a fifth judgeship. These positions will allow the entire Griffin Judicial Circuit to resolve cases more expeditiously, which benefits the criminal justice system and the citizens of Fayette County.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Barry H. Babb".

Sheriff Barry H. Babb

BHB/mw

Section 1: 2017 Gwinnett Judicial Circuit Workload Assessment

Gwinnett Judicial Circuit Assessment 2015-2017

	3 Year Avg Case Filing	Minutes per Filing	Total Minutes
Criminal Defendants			
Serious Felony	464	353.79	164,158.56
Felony	3,598	49.30	177,364.97
Misdemeanor	119	13.17	1,562.84
Death Penalty	0	7,200.00	2,400.00
Probation Petition	3,619	19.34	69,997.91
General Civil Cases			
Appeal/Review	83	54.58	4,511.95
Contract/Account	455	15.80	7,194.27
Dispossessory/Distress	8	27.02	207.15
Forfeiture	5	66.75	356.00
Habeas Corpus	69	134.35	9,225.37
Non-Domestic Contempt	3	76.57	204.19
Other General Civil	4,246	38.01	161,403.13
Post Judgment/Garnishment	1	3.31	4.41
Real Property	258	154.20	39,835.00
Tort/Negligence	303	125.31	37,927.16
Domestic Relations Cases			
Adoption	197	52.51	10,344.47
Child Support Enforcement (CSE)	604	10.07	6,078.92
Contempt	991	26.22	25,992.76
Divorce/Alimony	4,621	45.92	212,211.63
Family Violence	2,720	24.32	66,142.29
Legitimation	430	32.14	13,809.49
Modification	226	58.03	13,134.12
Non-CSE Custody	608	187.67	114,165.92
Other Domestic	153	11.67	1,781.62
Special Cases			
Death Penalty Habeas Corpus	0	7,640.40	0.00
Assignments			
Felony Accountability Court Pre/Post	87	207.23	18,029.01
Adjudication Participants			
Felony Accountability Court Probation	11	207.23	2,210.45
Revocation Participants			
Total	23,879	16,834.91	1,155,824.00

Circuit Values	
Judges	10
Counties	1
Grand Total Minutes	1,155,824
Judge Year Value	90,660
Judge Workload Value	12.75
Threshold Value to Qualify	12.70
Status:	QUALIFIED

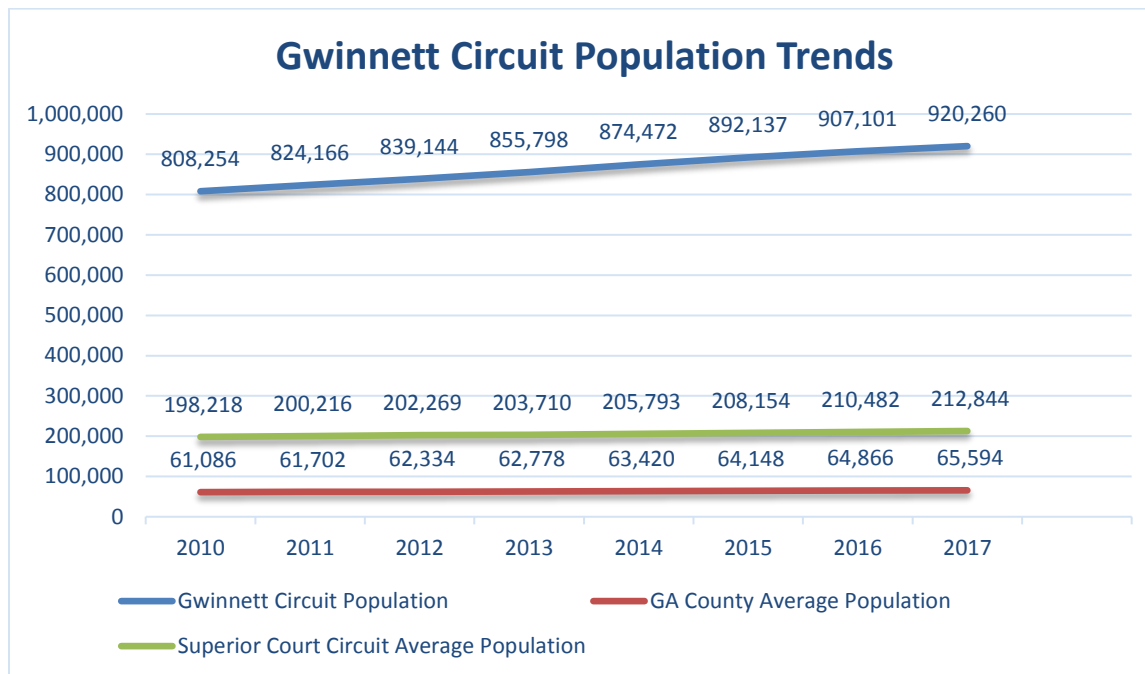
NOTES

1. Case averages are rounded to the nearest full number, except Death Penalty Habeas.

2. Accountability Court Felonies and Probation Revocations are subtracted from the Felony and Probation Revocation numbers reported. Accountability Court cases are added back in at the higher judge minutes at the bottom of the worksheet

Section 2: Circuit Demographics and Case Statistics

Section 2-1: Population Change



**Population Estimates data was drawn from the U.S. Census Bureau*

The Gwinnett Judicial Circuit is a single-county circuit located in Gwinnett County. As seen in the graph above, the Gwinnett Judicial Circuit currently services an estimated population of 920,260, which is about eight percent of Georgia's total population. Gwinnett's drastic population growth of 13% since 2010 has made the county the second most populous in the State. The current population of this single-county circuit is more than four times the average population of Georgia's superior court circuits.

Section 2-2: Judicial Demographics

Gwinnett Judicial Circuit Judgeships

Superior Court Judges	State Court Judges	Juvenile Court Judges	Probate Court Judges	Magistrate Court Judges
10	6	3	2	21

Caseload Statistics

Three-Year Average Criminal Case Filings (2015-2017)

Serious Felony	Felony	Misdemeanor	Death Penalty	Probation Revocation	Accountability Court Participants	Total Criminal
464	3,598	119	.33	3,619	98	7,898

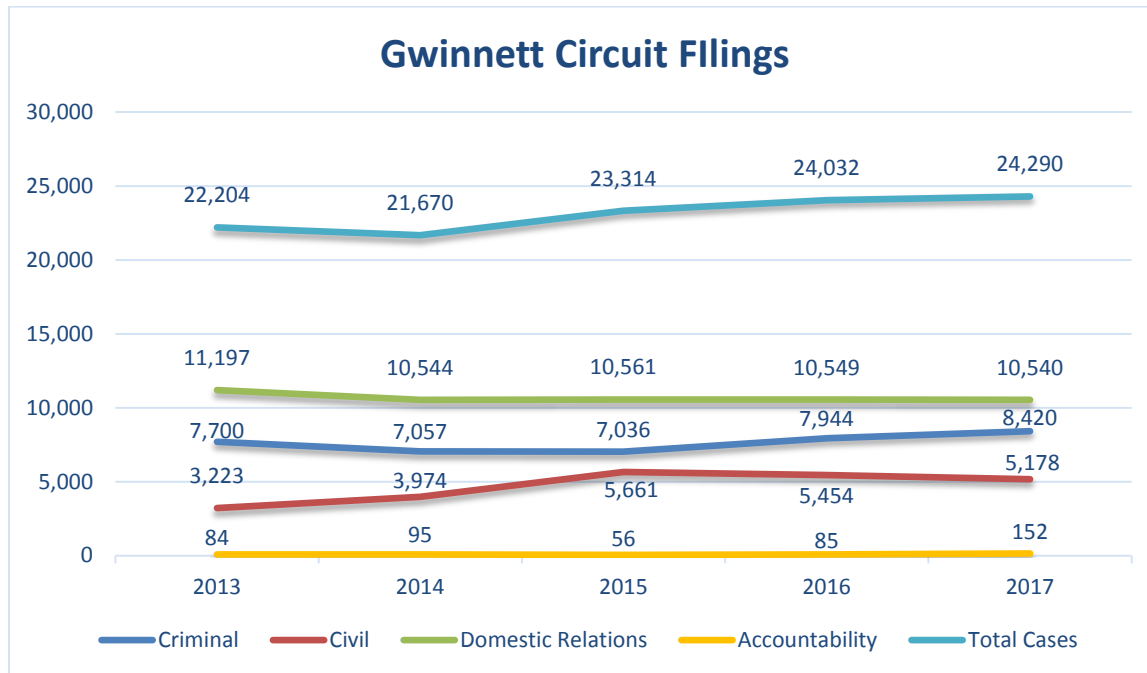
Three-Year Average Civil Case Filings (2015-2017)

General Civil	Domestic Relations	Total Civil
5,431	10,550	15,981

Workload Assessment (2015-2017)

Total Cases Filed	Judge Workload Value	Threshold Value
23,879	12.75	12.70

Section 3: History of Case Totals



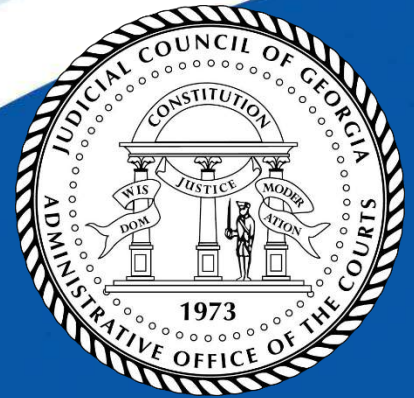
Overall, the Gwinnett Circuit's caseload has been stationary since 2013. The case type that has seen the most change has been the civil filings which had an increase of 60.7% in five years. Following civil filings, the circuit has had minor growth in its criminal filings, growing at about nine percent in five years. In total, Gwinnett has seen about 9.4% growth in their caseload filings since 2013.

Attachment B

Number of Authorized Superior Court Judgeships 2009-2018

Circuit	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Alapaha	2	2	2	2	2	2	2	2	2	2
Alcovy	5	5	5	5	5	5	5	5	5	5
Appalachian	3	3	3	3	3	3	3	3	3	3
Atlanta	20	20	20	20	20	20	20	20	20	20
Atlantic	4	4	4	4	4	4	4	4	4	4
Augusta	8	8	8	8	8	8	8	8	8	8
Bell-Forsyth	2	2	2	2	3	3	3	3	3	3
Blue Ridge	3	3	3	3	3	3	3	3	3	3
Brunswick	5	5	5	5	5	5	5	5	5	5
Chattahoochee	6	6	6	6	6	7	7	7	7	7
Cherokee	4	4	4	4	4	4	4	4	4	4
Clayton	4	4	4	4	4	4	4	4	5	5
Cobb	10	10	10	10	10	10	10	10	10	10
Conasauga	4	4	4	4	4	4	4	4	4	4
Cordele	3	3	3	3	3	3	3	3	3	3
Coweta	6	6	6	6	6	6	7	7	7	7
Dougherty	3	3	3	3	3	3	3	3	3	3
Douglas	3	3	3	3	3	3	3	3	3	3
Dublin	3	3	3	3	3	3	3	3	3	3
Eastern	6	6	6	6	6	6	6	6	6	6
Enotah	3	3	3	3	3	3	3	3	3	3
Flint	3	3	3	3	3	3	3	3	3	3
Griffin	4	4	4	4	4	4	4	4	4	4
Gwinnett	10	10	10	10	10	10	10	10	10	10
Houston	3	3	3	3	3	3	3	3	3	3
Lookout Mountain	4	4	4	4	4	4	4	4	4	4
Macon	5	5	5	5	5	5	5	5	5	5
Middle	2	2	2	2	2	2	2	2	2	2
Mountain	2	2	2	2	2	2	2	2	2	2
Northeastern	4	4	4	4	4	4	4	4	4	5
Northern	3	3	3	3	3	3	3	3	3	3
Ocmulgee	5	5	5	5	5	5	5	5	5	5
Oconee	2	2	2	2	2	3	3	3	3	3
Ogeechee	3	3	3	3	3	3	3	3	3	3
Pataula	2	2	2	2	2	2	2	2	2	2
Paulding	3	3	3	3	3	3	3	3	3	3
Piedmont	3	3	3	3	4	4	4	4	4	4
Rockdale	2	2	2	2	2	2	2	2	2	2
Rome	4	4	4	4	4	4	4	4	4	4
South Georgia	2	2	2	2	2	2	2	2	2	2
Southern	5	5	5	5	5	5	5	5	5	5
Southwestern	3	3	3	3	3	3	3	3	3	3
Stone Mountain	10	10	10	10	10	10	10	10	10	10
Tallapoosa	2	2	2	2	2	2	2	2	2	2
Tifton	2	2	2	2	2	2	2	2	2	2
Toombs	2	2	2	2	2	2	2	2	2	2
Towaliga	2	2	2	2	2	2	2	2	2	2
Waycross	3	3	3	3	3	3	4	4	4	4
Western	3	3	3	3	3	3	3	4	4	4
	205	205	205	205	207	209	211	212	213	214

*Data reflect the number of judges authorized in the year; not the number of seated judges



Georgia Court Guide to Statistical Reporting



Georgia Court Guide to Statistical Reporting

A publication of the Judicial Council of Georgia's Administrative Office of the Courts



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Cynthia H. Clanton, Director
Christopher Hansard, Judicial Services Director
Carla Hardnett, Program Manager
Jeffrey Thorpe, Research Analyst II
Matthew Bishop, Research Analyst
Shimike Dodson, Research Analyst
Callie Weir, Research Analyst

Judicial Council of Georgia
Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, Georgia 30334
404-656-5171
www.georgiacourts.gov

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The *Georgia Court Guide to Statistical Reporting* has existed under various names since the inception of the Judicial Council of Georgia's (JC) Administrative Office of the Courts (AOC). While the JC/AOC oversees the collection of data, the efforts of countless state and local officials contribute to the success of annual caseload data collection. These officials include judges, clerks, court administrators, prosecutors, and many others. The Office of Research and Data Analysis is grateful to all who have helped, and we acknowledge their dedication to improving Georgia's judicial data collection.

The annual caseload collection project would not be possible without the leadership of all past and present Judicial Council and Judicial Workload Assessment Committee members. Their commitment to the project is crucial to improving Georgia's judiciary through careful research and analysis of court data.

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Overview [To the top](#)

The *Georgia Court Guide to Statistical Reporting* (Guide) is a standardized reporting framework for Georgia trial court statistics. The statistics reported through this framework are compiled, analyzed, and published by the Administrative Office of the Courts' Office of Research and Data Analysis (Research).

Since 1976, the JC/AOC has worked with local officials to measure activity in Georgia courts. The ongoing efforts produce statistics for Supreme, Appeals, Superior, State, Juvenile, Probate, Magistrate, Civil, Recorder's, and Municipal courts. Georgia law requires the AOC to "compile statistical and financial data and other information on the judicial work of the courts and on the work of other offices related to and serving the courts, which data and information shall be provided by the courts" (O.C.G.A. §15-5-24 (3)). The AOC serves as the state archive of this court statistical information.

The collected data is used to support state and county resource decisions and to assist in policy development. In addition, statewide caseload activity is reported to the National Center for State Courts and other national organizations that inform justice system stakeholders about Georgia's courts. The caseload data serves as a historical description of the courts. The published data is used by judicial branch agencies, state and local executive agencies, project and program managers and grant applicants to support ongoing process and operational improvements. Superior court data is also used in the assessment of judicial workload that can lead to Judicial Council recommendations to the Governor and General Assembly for additional judgeships.

Due to Georgia's non-centralized court system, each class of court and their respective circuits, counties, and cities vary in their administrative structure. Regardless of their organization, the JC/AOC has set for itself the same task: to map caseload data to the reporting framework in this guide. Without common definitions and a standard format for classification, JC/AOC's goal could not be achieved.

The Guide is divided into sections for each class of court in Georgia. Within each section, the Guide contains definitions for how cases should be defined, classified, and counted. Court case management systems should be capable of generating reports that meet the requirements of the Guide. Individual vendors can provide guidance on their specific product capabilities. Research personnel are available to discuss the Guide and assist courts, clerks, and vendors with reporting. Submission instructions can be found in Section 9.

Note that all case categories, case types, case status categories, manners of disposition, and case characteristics are defined as they apply to the Guide. Categories may vary somewhat from other definitions or common usage in a particular circuit, county, or municipality.

Guide Goals [To the top](#)

As stated previously, the Guide is a standardized framework for accurately reporting caseload data. Though individual practices vary across courts, this guide seeks to establish uniform language for statistical reporting with the goal of ensuring that Georgia provides the highest data quality possible.

1. To provide caseload elements with unique, mutually exclusive definitions.
2. To write all definitions clearly and concisely, reducing the possibility of confusion among stakeholders.
3. To have a consistent, high-quality aesthetic.
4. To make minimal changes from year to year, adjusting only when necessary to maintain other goals.

Section 1 - Common Definitions [To the top](#)

Criminal, civil, and traffic caseloads each have their own units of count which remain standard across all classes of court. In addition, caseload data is reported in three ways: Status Categories, Case Characteristics, and Manner of Disposition. Each caseload section and the elements that comprise each section are outlined below.

Unit of Count

Criminal: The unit of count for criminal cases is determined by defendants. This is defined as a count of the number of individuals that have been charged with a criminal offense. Each defendant is categorized based on the most serious offense regardless of the number of charges on the docket.

Civil: A petition or civil complaint begins a civil case. A civil case with multiple parties or multiple causes of action is counted as one case. The unit of count for civil cases is each complaint/petition that is filed with the clerk of court.

Traffic: The unit of count for traffic cases is by tickets/citations. Each ticket/citation is one case. If a ticket/citation has more than one charge it is still counted as one case and categorized under the most serious offense. For example, a driver charged with both a DUI and speeding charges under the same citation will only count as one serious traffic filing.

Status Categories

Caseload reporting captures information about case status during the calendar year reporting period. These case status categories are consistent for each trial court.

Cases Open: A count of cases that were filed in any previous year and at the start of

the current reporting year, are awaiting disposition.

Cases Filed: A count of cases that have been filed with the court for the first time within the current reporting year.

Cases Disposed: A count of cases for which an original entry of judgment has been entered during the current reporting year. For cases involving multiple parties/issues, the disposition should not be reported until all parties/issues have been resolved.

Case Characteristics

Introduction

The data on case characteristics captures information related to key policy interests on disposed cases. This data provides additional details about cases that have already been counted in the court's disposed caseload. Data is collected on the number of cases with self-represented litigants and cases with interpreters.

Unit of Count

A count of the number of disposed cases that included self-represented litigants and interpreters at any time during the life of the case. The unit of count is the case, not the litigant(s).

- A case should be counted at the point of disposition

- A case with self-represented litigant(s) should be counted as a single case, whether that case has one or more self-represented litigants.
- A case with interpreter(s) should be counted as a single case, whether that case has one or more interpreters.

Cases with Self-Represented Litigants:

A self-represented litigant is a person who advocates on his or her own behalf before a court rather than being represented by an attorney. These litigants are also known as “pro se” or “pro per” litigants if, during the life of the case, one or more parties was self-represented.

For plaintiffs/petitioners, the life of the case is from filing to disposition. For defendants/respondents, the life of the case is from arraignment/answer to disposition. While arraignment procedures may vary, the assumption is that the arraignment is the first opportunity that defendants have to provide the court with their representation status (i.e., to tell the court that an attorney has been retained, to request that the court appoint an attorney, or to inform the court of the defendant’s wish to be self-represented). Therefore, in criminal cases the arraignment (or an equivalent hearing) is considered to be the start of the case for the defendant.

Cases in which the defendant appears at arraignment without defense counsel, but requests a court-appointed attorney during the arraignment proceedings should only be included in the self-represented tally if the self-representation continues after arraignment.

Self-represented litigants can take advantage of limited scope legal assistance (also known as limited assistance representation or unbundled legal services) to assist with the preparation of specific documents or to argue certain legal issues in a hearing before a judicial officer. While these self-represented litigants have representation for a specific and limited purpose, they remain fundamentally self-represented. Thus, cases in which self-represented litigants have obtained limited scope legal assistance are still counted as cases with self-represented litigants.

If a case is disposed by default, do not assume that the non-responding defendant/respondent was self-represented. If the plaintiff/petitioner was self-represented, the case can be correctly counted as one with a self-represented litigant. However, if the plaintiff/petitioner was represented and the defendant/respondent was at default due to a failure to respond at any point during the life of the case, the case is not to be counted as one with self-represented litigants.

Cases with Interpreters:

A case with an interpreter is a case in which an interpreter is appointed by the court to provide interpretation services in any or all three modes of interpretation (consecutive interpretation, simultaneous interpretation, and sight translation) for a Limited English Proficient (LEP) party from that person’s native language to English and vice versa. Sign Language interpretation is included. Interpreter services can be provided in

person, via telephone, or through other audio/visual technologies. The distinction here is between interpretation as ordered by the court and interpretation that may be provided on an ad hoc basis by a family member or friend. Interpretation ordered by the court may be provided by anyone the court deems qualified (e.g. certified interpreter, registered interpreter); the underlying assumption is that the court has formally taken note of the need for interpreter services and provided them. Any interpreter *ordered by the court*, regardless if for a party, witness, etc., would be counted for a case with an interpreter.

Manner of Disposition

Introduction

Manner of Disposition classifies disposed cases as trial and non-trial. Understanding trial rates and how they vary by case type is of policy interest to court management and the legal profession.

Unit of Count

For each case type, count the number of disposed cases that were disposed by the disposition type. For cases involving multiple parties/issues, the manner of disposition should not be reported until all parties/issues have been resolved. When there is more than one type of dispositive action in a case, count as the disposition the action requiring the most judicial involvement. Prioritize actions as follows: jury trials, bench/non-jury trials, non-trial dispositions.

Notes Specific to Manner of Disposition

Cases that are deferred to diversion or accountability court dockets (e.g. Drug Court) are not counted as dispositions until

they return for final adjudication (e.g. imposition of sentence or dismissal).

Definitions for Manner of Disposition

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial: Cases in which the disposition does not involve either a jury trial or bench trial. This includes but is not limited to:

- Summary judgment
- Settlement
- Alternative Dispute Resolution
- Default judgment
- Dismissal
- Transfer to another court
- Bind Over
- Guilty plea/stipulation
- Nolle Prosequi
- All delinquency and dependency non-trial hearings

Bindovers: Transfers (of a case or defendant) to a trial court after a finding of probable cause at a preliminary hearing. Note: include all bindovers, even if the offense is not a felony. **(Currently collected by the Municipal Courts only)**

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition, and the method of disposition was alternative dispute resolution. Only check if

the whole case was resolved via alternative dispute resolution.

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Section 2 - Superior Court [To the top](#)

Introduction

Georgia's 159 superior courts are general jurisdiction trial courts exercising both civil and criminal jurisdiction. Superior court judges hear all felony cases, domestic relations cases, equity cases, and other civil matters. Superior courts have jurisdiction to hear appeals from lower courts as provided by the Georgia Constitution, including appeals of judgments from the probate and magistrate courts that are handled as de novo appeals. The superior courts are organized into 49 judicial circuits made up of one or more counties. Superior court judges are constitutional officers who are elected to four-year terms in circuit-wide nonpartisan elections.

For reporting in the Georgia framework, superior court caseload is divided into three major categories: criminal, domestic relations, and general civil. The superior court reporting framework described in the Guide is used for reporting superior court caseload data.

Superior Court Definitions

Criminal

Death Penalty: A count of cases in which the prosecuting attorney intends to seek the death penalty and has filed with the clerk of court the necessary written notice. These cases are only to be counted for the year in which they are filed.

Serious Felony: Any serious violent felony as defined in O.C.G.A. § 17-10-6.1. Specifically:

- Murder or felony murder, as defined in O.C.G.A. § 16-5-1;
- Armed robbery, as defined in O.C.G.A. § 16-8-41;
- Kidnapping, as defined in O.C.G.A. § 16-5-40;
- Rape, as defined in O.C.G.A. § 16-6-1;
- Aggravated child molestation, as defined in subsection (c) of O.C.G.A. § 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of O.C.G.A. § 16-6-4;

- Aggravated sodomy, as defined in O.C.G.A. § 16.6.2; or
- Aggravated sexual battery, as defined in O.C.G.A. § 16.6.22.2.

Felony: A count of cases where the offense is punishable by incarceration for one year or more, excluding cases counted as serious felonies.

Misdemeanor: Any offense punishable by incarceration for less than one year, and/or community service, and/or maximum fine of \$1,000.

Probation Revocations: Number of probation revocation petitions filed by either private or public probation officers, including waivers signed by defendants and first offender adjudications.

Domestic Relations

Adoption: Cases involving a request for the establishment of a new, permanent

relationship of parent and child between persons not so biologically related.

Dissolution/Divorce/Separate

Maintenance: Any case involving the dissolution of a marriage or the establishing of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Paternity/Legitimation: Any case not brought by the Department of Child Support Services that involves a determination of biological offspring.

Support- IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required, under Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Support- Private (non-IV-D): Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by law, but who is not under the auspices of Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Other Domestic Relations: Domestic relations cases that do not adequately fit into any of the other case types.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

General Civil

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disrupting the finding of a limited jurisdiction trial court, department, or administrative agency.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other torts.

Habeas Corpus: Any case designed to test the legality of the detention or imprisonment of an individual, not the question of guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directed to a specific party, requiring that party to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her property from the premises or places a lien on tenant property to repay debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Cases alleging that injury is caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of fixed land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties considered to be in a domestic relationship.

Other General Civil: Any case in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong, but does not fit into one of the previously defined case categories.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing final court order.

Modification: Any case seeking to change the terms of a previously existing final court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Section 3 - State Court [To the top](#)

Introduction

Georgia's 72 State Courts are county-based courts that exercise limited jurisdiction. State court judges have criminal jurisdiction over misdemeanor offenses, felony preliminary hearings, traffic violations, and application and issuance of search and arrest warrants. Civil matters not reserved exclusively to the superior courts can be adjudicated in state courts. Appeals of judgments from the magistrate courts may be sent to the state court and handled as a *de novo* appeal. The General Assembly creates state courts by local legislation establishing the number of judges and their status as full-time or part-time. State court judges are elected to four-year terms in countywide, non-partisan elections.

For reporting in the Georgia framework, state court caseload is divided into two major categories: civil and criminal. The state court reporting framework described in the Guide is used for reporting state court caseload data.

State Court Definitions

Civil

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disrupting the finding of a limited jurisdiction trial court, department, or administrative agency.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other torts.

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her

property from the premises or places a lien on tenant property to repay debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Cases alleging that injury is caused by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Other General Civil: Any case in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong, but does not fit into one of the previously defined case categories.

Unknown: Any case that does not have enough relevant information to assign to a particular case category.

Criminal

Serious Traffic: Cases including misdemeanor DUI, reckless driving, homicide by vehicle, aggressive driving and fleeing, or attempting to elude a police officer.

Non-Traffic Misdemeanor: Cases involving an offense punishable by incarceration for less than a year and/or fines. Use this case type for misdemeanor cases that are not attributable to one of the other previously defined misdemeanor case types, or when all misdemeanor cases are reported as a single case type.

Other Traffic: Criminal cases involving a violation of statutes and local ordinances governing traffic, parking, and violations involving operation of a motor vehicle. Use this case type for cases of unknown specificity when motor vehicle cases are not

attributable to one of the other previously defined motor vehicle case types.

Probation Revocation: Number of probation revocation petitions filed by either private or public probation officers, including waivers signed by defendants.

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing final court order.

Modification: Any case seeking to change the terms of a previously existing final court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Section 4 – Juvenile Court [To the top](#)

Introduction

Jurisdiction of the juvenile courts extends to dependent children under 17 years of age. This jurisdiction also extends to delinquent children and children in need of services (CHINS) under 17 years of age. Juvenile court judges have jurisdiction over minors who commit traffic violations, request consent to marry, petition the court for emancipation, file a minor abortion petition, or petition the court to enlist in the armed forces. Juvenile courts have concurrent jurisdiction with superior courts in child custody and child support cases and in proceedings to terminate parental rights. Certain violent felonies committed by juveniles may be tried in superior court. Juvenile court judges are appointed by the superior court judges of their respective circuit to four-year terms.

For reporting in the Georgia framework, juvenile court caseload is divided into seven major categories: CHINS, delinquency, dependency, emancipation, special proceedings, traffic, and termination of parental rights. As required by Georgia law, detailed information regarding minor abortion petitions is also collected. The juvenile court reporting framework described in the Guide is used for reporting juvenile court caseload data.

Juvenile Court Definitions

Unit of Count

- For delinquency, CHINS, emancipation, traffic, and special proceeding cases count the juvenile and all allegations involved in a single incident as a single case. If the filing document contains multiple juveniles involved in a single incident, count each juvenile as a single and separate case.
- For dependency cases and termination of parental rights, count the petition as a single case. A dependency case that contains multiple parties (e.g. children/siblings) or multiple causes of action is counted as one case.

Children in Need of Services (CHINS): A child who commits a status offense (an act that would not be a crime if committed by an adult). Examples include truancy, habitual disobedience/ ungovernability,

incurability, a runaway, loitering in a public place after midnight, curfew violations, patronizing bars where alcohol is sold or possesses alcohol, or violating the terms of supervision or probation if the minor was adjudicated to be unruly.

Delinquency Class A Felony: A delinquent act committed by a child 13 years of age or older, which if committed by an adult, would be one or more of the following crimes:

- Aggravated Battery
- Armed Robbery (not involving a firearm)
- Arson (first degree)
- Attempted Murder
- Escape
- Hijacking a motor vehicle
- Kidnapping
- Participating in criminal gang activity

- Trafficking of substances

Delinquency Class B: A delinquent act committed by a child 13 years of age or older, which if committed by an adult, would be one or more of the following crimes:

- Aggravated Assault or Assault with a deadly weapon (or object, device) which when used offensively against a person would be likely to result in bodily injury, but did not.
- Arson (second degree)
- Attempted Kidnapping
- Battery of a teacher or other school personnel
- Racketeering
- Robbery
- Smash & Grab Burglary
- Possessing, manufacturing, transporting, distributing, or possessing with intent to distribute a destructive device

Delinquency Not Designated: A count of cases not designated as either Class A or Class B felonies.

Dependency: Dependency cases are a subcategory of juvenile cases in which it is alleged that a child has been abused or neglected or is otherwise without proper parental care and/or supervision.

Emancipation: The release of a minor from his or her parents, which entails a complete relinquishment of the right to the care, control, custody, services, and earnings of such child and a repudiation of parental obligations.

Special Proceedings: A child who is the subject of a filing or disposition that does not fall within any of the above case types,

e.g. request for permission to marry or join the armed services, notification of abortion, proceedings relating to mental illness, and superior court referrals for custody investigations.

Traffic: A child under the age of 17 who violates any motor vehicle law, excluding those conserved delinquent offenses as described by O.C.G.A. §15-11-73 (c).

Termination of Parental Rights: An action on behalf of a child to end the rights and obligations of a parent on the grounds listed in O.C.G.A. §15-11-310.

Minor Abortion Petitions

Total Petitions Filed: A count of the minor abortion petitions filed with the juvenile court.

Appointed Guardian Ad Litem: A count of the number of petitions filed in which the court appointed a guardian ad litem.

Court Appointed Counsel: A count of the number of petitions filed in which the court appointed an attorney.

Without Notification: Cases in which the petitioners were granted the right to an abortion and a parent or legal guardian of the minor could not be located.

Denied: Cases in which the court denied the request by a minor to pursue an abortion without legal consent of a parent or legal guardian.

Appealed: Cases in which the judge denied the petitioner's request to seek an abortion and the petitioner subsequently filed an appeal to reverse the original order of the court.

Affirmed: Cases in which the court conducts a review of its original order in the

appeals process and upholds the original decision to deny the request of the minor to seek an abortion.

Reversed: Cases in which the court conducts a review of its original order in the appeals process and subsequently grants the petitioner's request to seek an abortion.

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Section 5 – Probate Court [To the top](#)

Introduction

Probate courts exercise exclusive, original jurisdiction in the probate of wills, administration of estates, appointment of guardians, and involuntary hospitalization of incapacitated adults and other individuals. Probate court judges are constitutional officers who are elected to four-year terms. All probate court judges administer oaths of office and issue marriage licenses. In some counties probate judges may hold habeas corpus hearings or preside over criminal preliminary hearings. Unless a jury trial is requested, a probate court judge may also hear certain misdemeanors, traffic cases, and violation of state game and fish law in counties where there is no state court. In counties with a population of 90,000 or greater, the probate judges must be an attorney meeting the qualifications of a superior court judge. In those counties, jurisdiction is expanded or enhanced to include the right to a jury trial, with appeals directly to the Court of Appeals or Supreme Courts. When authorized by local statute, probate judges serve as election supervisors and make appointments to certain local public offices.

For reporting in the Georgia framework, probate court caseload is divided into four major categories: general probate, mental health, criminal, and administrative actions. The probate court reporting framework described in the Guide is to be used for reporting probate court caseload data.

Unit of Count

The unit of count for general probate cases is by petitions. General probate petitions are categorized by case type and filing categories.

General Probate Case Categories

Estates: Cases that deal with managing the assets, liabilities, and property of decedents.

Guardianship Minor: Cases that involve establishing a temporary or permanent legal guardian for a child.

Conservatorship Minor: Cases that appoint a person to manage a minor's property.

Guardianship/Conservatorship Adult: Cases that involve either the establishment of a guardian for an adult ward or for a manager/conservator of an adult ward's property.

Trusts: Cases that create a legal entity that allows one person to hold legal title to property for the benefit of another person.

Other Filings: Any case that does not fall within the previous categories.

General Probate Filing Categories

Initial Petition: The petition or other document that creates an entirely new case. All initial petitions must be disposed before other petitions can be filed.

Secondary Petition: Any subsequent petition that is filed in the same case created by an initial petition.

Motion: A written application for an order.

Objection/Caveat: Pleading to the court and petitioners opposing the performance of certain acts requested in a petition (may be

in response to an initial or secondary petition).

Discharge (Uncontested): A petition that seeks final closure of a case and is not contested by any relevant party.

Discharge (Contested): Any discharge that is contested by a relevant party and requires adjudication.

Other General Probate Actions

Inventory and Asset Management Plan:

A description of all assets and liabilities of the decedent, including a list of all personal and real property owned by the decedent at the time of death that is subject to administration of an estate's personal representative or in the event of a conservatorship of a minor or adult, a list of personal and real property owned by the ward and subject to management by a conservator, which includes a plan to manage the property and income for the following year.

Personal Status: A report pertaining to the status of an adult ward or a minor child.

Annual/Final Return: Accounting, under oath, of the receipts and expenditures on behalf of a decedent's estate or adult or minor conservatorship during the year preceding the anniversary date of appointment, together with a statement of all other assets or transfers of assets which are necessary to show the true condition of the Estate. The final return is due with a petition for discharge or petition for dismissal.

Bond: A count of the number of surety bonds issued.

Guardian ad Litem (GAL): A count of the number of times a court has to appoint someone to investigate and represent the

best interest of a minor child, alleged incapacitated adult, or missing or unknown heirs at law with regard to a particular matter pending before the court.

Indigent Affidavit: A count of the number of times an affidavit of indigence is filled in which a court waives filing fees for citizens unable to afford the fees.

Mental Health

Involuntary Treatment: Petitions that order a person suffering from mental illness or drug addiction to be committed into a treatment facility. This category includes both inpatient and outpatient treatment orders.

Order to Apprehend: A legal order allowing law enforcement officers to apprehend a person who is suffering from mental illness or drug addiction.

Other Mental Health: Any mental health petitions or orders that are not included in the previous two categories.

Criminal

Unit of Count: The unit of count for criminal cases heard by the probate court is by defendant.

Serious Traffic: The following cases are considered misdemeanor serious traffic offenses: DUI, reckless driving, aggressive driving, and evading a police officer.

Non-Serious Traffic: All traffic cases other than the ones included in the serious traffic category.

Other Criminal Citations: All non-traffic misdemeanor cases handled by the probate courts.

Manner of Disposition

Transfer: A case disposed by sending it to a higher court.

Bench Trial: A trial held in front of a judge without a jury.

Non-Trial: Any form of disposition that does not involve a formal trial.

Administrative Actions

Firearms: A count of all the weapons carry permits filled in a probate court along with a count of all the permit denials and revocations.

Vital Records: Certificates or reports of birth, death, and data related thereto.

- Birth Certificates- A count of all the birth certificates issued by a probate court.
- Death Certificate- A count of all the death certificates issued by a probate court.

Marriage: A count of all marriage licenses issues by a probate court.

- License Issued- A count of all original marriage licenses issued by the probate court.
- Certified Copies-All certified copies of marriage licenses issued by the probate court.

Passports: A count of all passport applications processed by a probate court.

Elections: First, indicate whether or not the court oversees elections by selected “yes” or “no”. If a court does handle elections, it will then show the number of voting precincts found within the county along with the number of election cycles handled in that calendar year. An election cycle refers to the number of election rounds not the number of candidates or offices being voted upon. For example, a county that experiences a primary, general, and runoff election in a single calendar year would be considered to have three election cycles regardless of the number of candidates or offices involved.

Miscellaneous Administrative: All other administrative actions that do not fall within one of the previous categories.

Section 6 – Magistrate Court [To the top](#)

Introduction

Magistrate court jurisdiction includes: civil claims of \$15,000 or less, certain minor criminal offenses, distress warrants and dispossessory writs, county ordinance violations, deposit account fraud, preliminary hearings, summonses, arrest, and search warrants. A chief magistrate, who may be assisted by one or more magistrates, presides over each of Georgia's 159 magistrate courts. Chief magistrates are elected in partisan and non-partisan, countywide elections to four-year terms. Terms for other magistrate judges run concurrently with that of the chief magistrate.

For reporting in the Georgia framework, magistrate court caseload is divided into four major categories: criminal, civil, warrants, and hearings. The Magistrate court reporting framework described in the Guide is to be used for reporting magistrate court caseload data.

Magistrate Court Definitions

Criminal

Ordinance Violations: Cases alleging violations of local regulations passed by county, city, or other local governing bodies.

Misdemeanors: A count of violations of state laws that include: Possession of less than one ounce of marijuana (O.C.G.A. §16-13-2), Theft by shoplifting (O.C.G.A. §16-13-2), Furnishing alcoholic beverages to and purchase and possession of alcoholic beverages by a person under 21 years of age (O.C.G.A. §3-3-23.1), Criminal trespass (O.C.G.A. §16-7-21), Deposit account fraud/issuance of bad checks (O.C.G.A. §16-9-20).

Civil

Claims: Any cases where the amount demanded or the value of the property claimed does not exceed \$15,000.

Dispossessory and Distress Warrants: Proceedings involving landlords and tenants either for removal of the tenant from the property or for seizure of the property for non-payment of rent.

Garnishments: A proceeding in which the property or money in possession or control of another person are applied to pay a debt or judgment to a third person. This is most commonly an action in which a creditor garnishes a person's wages from the employer.

Foreclosures and Attachments: A means of enforcing payment of a debt by selling the property upon which the debt is owed. Attachment is a process in which the court is asked to have property seized in order to satisfy a debt (to satisfy the court judgment in post-judgment actions).

Warrants

Felony Arrest: A type of arrest warrant that authorizes the arrest of a person suspected of committing a felony crime.

Misdemeanor Arrest: A type of arrest warrant that authorizes the arrest of a person suspected of committing a misdemeanor crime.

Good Behavior: A type of warrant against a person whose conduct indicates that the safety of another person may be at risk.

Search: A type of warrant that authorizes law enforcement officers to conduct a search of a person, location, or vehicle for evidence of a crime and to confiscate evidence if it is found.

Hearings

Warrant Application: This is a hearing to determine if there is probable cause for issuance of an arrest warrant when application has been made by a person other than a peace officer or law enforcement officer and for commission of an offense against the penal laws.

First Appearance: The purpose of this hearing is to inform the defendant of the charges, the defendant's rights, and to set a bond to guarantee the defendant's appearance at court for the next proceeding.

Commitment: This is a pre-trial or preliminary hearing to determine if there is sufficient evidence (probable cause) for the case to proceed to trial.

Good Behavior: The purpose of this proceeding is to determine if there is sufficient cause to require the defendant to post a good behavior bond and to set the amount of the bond.

Section 7 – Municipal Court [To the top](#)

Introduction

Georgia’s municipal courts hear traffic and ordinance violation cases in towns and cities. Municipal court judges hear municipal ordinance violations, issue criminal warrants, conduct preliminary hearings, and sometimes have concurrent jurisdiction over shoplifting cases and cases involving possession of one ounce or less of marijuana.

For reporting in the Georgia framework, municipal court caseload is divided into eight major criminal categories: traffic, ordinances, serious traffic, drugs/marijuana, misdemeanors, and bindovers. The municipal court reporting framework described in the Guide is used for reporting municipal court caseload data.

Municipal Court Definitions

Criminal

Serious Traffic (DUI): Cases alleging driving a motor vehicle while intoxicated, driving under the influence of alcohol or drugs, or driving while impaired.

Serious Traffic (Other): All fingerprintable criminal traffic offenses except driving while under the influence of alcohol or drugs (e.g. reckless driving, and operating a commercial vehicle without a CDL).

Misdemeanor Traffic: Criminal traffic violations involving the operation of a motor vehicle. Use this case type for motor vehicle cases that are not attributable to one of the other previously defined case types (e.g. speeding, failure to obey stop sign, failure to use turn signal, and seat belt violations).

Misdemeanor Drugs: Any drug-related misdemeanor criminal charges (e.g. possession of marijuana and possession of drug paraphernalia).

Misdemeanor (Other): Any criminal violations punishable by a maximum fine of \$1,000 or 12 months confinement. Also includes any violations that do not fit within aforementioned categories (e.g. vandalism and shoplifting valued less than \$300).

Parking Violation: Cases alleging parking a motor vehicle in violation of a state statute or local ordinance.

Ordinance: Cases alleging violations of local regulations passed by county, city, state, or other local governing bodies (e.g. animal control violations, solid waste violations, solicitation without a permit, and zoning violations).

Civil

Non-Criminal Traffic Violations: Non-criminal cases involving operation of a motor vehicle (e.g. Red light camera violations and School bus camera violations).

Section 8 – Civil Court and Recorder’s Court [To the top](#)

Introduction

For reporting in the Georgia framework, civil court and recorder’s court caseloads are divided into criminal and civil categories. The civil court and recorder’s court reporting framework described in the Guide is used for reporting civil court and recorder’s court caseload data.

Civil Court and Recorder’s Court

Definitions

Serious Traffic (DUI): Cases alleging driving a motor vehicle while intoxicated, driving under the influence of alcohol or drugs, or driving while impaired.

Serious Traffic (Other): All fingerprintable criminal traffic offenses except driving while under the influence of alcohol or drugs (e.g. reckless driving, and operating a commercial vehicle without a CDL).

Misdemeanor Traffic: Criminal traffic violations involving the operation of a motor vehicle. Use this case type for motor vehicle cases that are not attributable to one of the other previously defined case types (e.g. speeding, failure to obey stop sign, failure to use turn signal, and seat belt violations).

Misdemeanor Drugs: Any drug-related misdemeanor criminal charges (e.g. possession of marijuana and possession of drug paraphernalia).

Misdemeanor (Other): Any criminal violations punishable by a maximum fine of \$1,000 or 12 months confinement. Also includes any violations that do not fit within aforementioned categories (e.g. vandalism and shoplifting valued less than \$300).

Parking Violation: Cases alleging parking a motor vehicle in violation of a state statute or local ordinance.

Ordinance: Cases alleging violations of local regulations passed by county, city, state, or other local governing bodies (e.g. animal control violations, solid waste violations, solicitation without a permit, and zoning violations).

Civil

Claims: Any cases where the amount demanded or the value of the property claimed does not exceed the limit set by local legislation.

Dispossessory and Distress Warrants: Proceedings involving landlords and tenants either for removal of the tenant from the property or for seizure of the property for non-payment of rent.

Garnishments: A proceeding in which the property or money in possession or control of another person are applied to pay a debt or judgment to a third person. This is most commonly an action in which a creditor garnishes a person’s wages from the employer.

Foreclosures and Attachments: A means of enforcing payment of a debt by selling the property upon which the debt is owed. Attachment is a process in which the court is

asked to have property seized in order to satisfy a debt (to satisfy the court judgment in post-judgment actions).

Non-Criminal Traffic Violations: Non-criminal cases involving operation of a motor vehicle (e.g. Red light camera violations and School bus camera violations).

DRAFT

Section 9 – Data Submission and Verification [To the top](#)

Data Submissions

Efforts to simplify the reporting of caseload data led to the development of the online forms available at <https://myaocportal.georgiacourts.gov/login.html>. Clerks of all courts may access the forms by registering at the website and logging in to submit or edit their data. At the portal site, users can register as a first-time user or log in as a previously registered user. If you have not previously registered as a MyAOCportal user, follow the instructions below:

1. Enter www.georgiacourts.gov into your web browser.
2. Find the “Username & Password Sites” in the navigation bar on the main page.
3. Select “Caseload Reporting” to enter the portal.
4. Click “Create Account”
5. Enter the email address you have previously given to the JC/AOC as your contact information, and click “Register.” Doing this will prompt MyAOC portal to send you an email with directions for creating a user name and password to complete registration.

Once you have registered or if you have previously registered, follow the instructions below:

1. Navigate to MyAOCportal (<https://myaocportal.georgiacourts.gov/login.html>), and login using the user name and password you created. Once inside MyAOCportal, you may now select the appropriate court and enter your caseload data.

If you do not know the email address you previously registered with the JC/AOC or if you experience any technical issues with the portal, please contact the Office of Research and Data Analysis at 404-232-1857 or email casecount@georgiacourts.gov.

Please note: Mailed, emailed, and faxed forms will no longer be accepted.

Data Verification

The Research staff will review all data submitted through MyAOCportal for completeness and compare it with data from prior years to identify potential questions and issues addressing data reliability. Clerks are notified of any questions or concerns to allow editing or additional verifications before data is certified as final. It is important that data is submitted during the collection period to ensure the integrity of the data published.

Section 10 – Reporting Timeline [To the top](#)

Below are dates of various events in the caseload reporting process. Please be mindful of these dates in order to allow ample time for verification and subsequent analysis.

All dates are in 2019.

January 2nd – Caseload reporting initiated.

March 1st – 15-day reminder sent to courts that have not submitted.

March 5th – 10-day reminder sent to courts that have not submitted.

March 8th – Final reports sent to council presidents, judges, court administrators, and clerks.
5-day reminder sent to courts that have not submitted.

March 13th – 2-day reminder sent to courts that have not submitted.

March 15th – Portal closes to external users

March 18th – Caseload data is past due. First late notice is sent to courts that have not submitted.

March 19th – Second late notice sent to unresponsive courts.

March 29th – MyAOCportal closes and all submitted data is final.

Section 11 – Contact Information [To the top](#)

If you have comments, questions, or concerns, please contact the Research Analysts below:

Judicial Services Director

Christopher Hansard

christopher.hansard@georgiacourts.gov

404-463-1871

Research Analyst II

Jeffrey Thorpe

jeffrey.thorpe@georgiacourts.gov

404-656-6413

Research Analyst

Matthew Bishop

matthew.bishop@georgiacourts.gov

404-656-0371

Research Analyst

Callie Weir

callie.weir@georgiacourts.gov

404-463-6887

(January 1- December 31, 2018)

Instructions for completion of the form, and message from the Office of Research and Data Analysis

General Civil

- Automobile Tort
- Civil Appeal
- Contract
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil
- Unknown

[illegible]

- Contempt Automobile Tort
- Contempt Civil Appeal
- Contempt Contract
- Contempt Garnishment
- Contempt General Tort
- Contempt Habeas Corpus
- Contempt Injunction/ Mandamus/Other Writ
- Contempt Landlord/Tenant
- Contempt Medical Malpractice Tort
- Contempt Product Liability Tort
- Contempt Real Property
- Contempt Restraining Petition
- Contempt Other General Civil
- Contempt Unknown

[illegible]

- [Modification Automobile Tort](#)
- [Modification Civil Appeal](#)
- [Modification Contract](#)
- [Modification Garnishment](#)
- [Modification General Tort](#)
- [Modification Habeas Corpus](#)
- [Modification Injunction/Mandamus/Other Writ](#)
- [Modification Landlord/Tenant](#)
- [Modification Medical Malpractice Tort](#)
- [Modification Product Liability Tort](#)
- [Modification Real Property](#)
- [Modification Restraining Petition](#)
- [Modification Other General Civil](#)
- [Modification Unknown](#)

[illegible]

[Other/Administrative Automobile Tort](#)
[Other/Administrative Civil Appeal](#)
[Other/Administrative Contract](#)
[Other/Administrative Garnishment](#)
[Other/Administrative General Tort](#)
[Other/Administrative Habeas Corpus](#)
[Other/Administrative Injunction/ Mandamus/Other Writ](#)
[Other/Administrative Landlord/Tenant](#)
[Other/Administrative Medical Malpractice Tort](#)
[Other/Administrative Product Liability Tort](#)
[Other/Administrative Real Property](#)
[Other/Administrative Restraining Petition](#)

[illegible]

Other/Administrative Other General Civil
Other/Administrative Unknown

Domestic

Initial Filings

Adoption
Dissolution/Divorce/Separate Maintenance
Family Violence Petition
Paternity/ Legitimation
Support- IV-D
Support- Private (non-IV-D)
Other Domestic Relations
Unknown

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

Post- Judgement Filings

Contempt Adoption
Contempt Dissolution/ Divorce/ Separate Maintenance
Contempt Family Violence Petition
Contempt Paternity/Legitimation
Contempt Support- IV-D
Contempt Support- Private (non-IV-D)
Contempt Other Domestic Relations
Contempt Unknown

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

Modification Adoption
Modification Dissolution/ Divorce/ Separate Maintenance
Modification Family Violence Petition
Modification Paternity/Legitimation
Modification Support- IV-D
Modification Support- Private (non-IV-D)
Modification Other Domestic Relations
Modification Unknown

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

Other/Administrative Adoption
Other/Administrative Dissolution/ Divorce/ Separate Maintenance
Other/Administrative Family Violence Petition
Other/Administrative Paternity/Legitimation
Other/Administrative Support- IV-D
Other/Administrative Support- Private (non-IV-D)
Other/Administrative Other Domestic Relations
Other/Administrative Unknown

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

Criminal

Initial Filings

Death Penalty
Serious Felony
Felony
Misdemeanor
Probation Revocations

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

Submit	Save and Finish Later	Cancel
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CY 2018 State Court Caseload Report

(January 1- December 31, 2018)

State Court of Appling County

Instructions for completion of the form, and message from the Office of Research and Data Analysis

Edit Box, Submitted By, Time Stamp

General Civil

Initial Filings

[Automobile Tort](#)
[Civil Appeal](#)
[Contract](#)
[Garnishment](#)
[General Tort](#)
[Landlord/Tenant](#)
[Medical Malpractice Tort](#)
[Product Liability Tort](#)
[Other General Civil](#)
[Unknown](#)

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

Post-Judgement Filings

[Contempt Automobile Tort](#)
[Contempt Civil Appeal](#)
[Contempt Contract](#)
[Contempt Garnishment](#)
[Contempt General Tort](#)
[Contempt Landlord/Tenant](#)
[Contempt Medical Malpractice Tort](#)
[Contempt Product Liability Tort](#)
[Contempt Other General Civil](#)
[Contempt Unknown](#)

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

[Modification Automobile Tort](#)
[Modification Civil Appeal](#)
[Modification Contract](#)
[Modification Garnishment](#)
[Modification General Tort](#)
[Modification Landlord/Tenant](#)
[Modification Medical Malpractice Tort](#)
[Modification Product Liability Tort](#)
[Modification Other General Civil](#)
[Modification Unknown](#)

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

[Other/Administrative Automobile Tort](#)
[Other/Administrative Civil Appeal](#)
[Other/Administrative Contract](#)
[Other/Administrative Garnishment](#)
[Other/Administrative General Tort](#)
[Other/Administrative Landlord/Tenant](#)
[Other/Administrative Medical Malpractice Tort](#)
[Other/Administrative Product Liability Tort](#)
[Other/Administrative Other General Civil](#)
[Other/Administrative Unknown](#)

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

Criminal

Initial Filings

[Serious Traffic](#)

Cases			Manner of Disposition				Case Characteristics	
Open	Filed	Disposed	Jury Trial	Bench/ Non-Jury Trial	Non-Trial	ADR	Self-Represented Litigants	Limited English Proficiency

Non-Traffic Misdemeanor
Other Traffic
Probation Revocations

Submit

Save and Finish Later

Cancel

CY 2018 Municipal Court Caseload Report

(January 1- December 31, 2018)

Municipal Court of Abbeville

Instructions for completion of the form, and message from the Office of Research and Data Analysis

Edit Box, Submitted By, Time Stamp

Criminal**Criminal Cases**

Serious Traffic - DUI
Serious Traffic - Other
Misdemeanor - Traffic
Misdemeanor - Drugs
Misdemeanor - Other
Parking Violation
Ordinance

Cases			Manner of Disposition			Case Characteristics	
Open	Filed	Disposed	Bench/ Non-Jury Trial	Bindover	Non-trial Other	Self-Represented Litigants	Limited English Proficiency

Civil**Civil Cases**

Non-Criminal Traffic Violations

Cases			Manner of Disposition			Case Characteristics	
Open	Filed	Disposed	Bench/ Non-Jury Trial	Bindover	Non-trial Other	Self-Represented Litigants	Limited English Proficiency

Submit

Save and Finish Later

Cancel

Attachment C

Policy on the Study of Superior Court Judgeships and Circuit Boundaries

Section 1 – Policy

1.1 – Introduction

This policy governs the processes, procedures, and methodology used by the Judicial Council when considering requests for additional judgeships and circuit boundary alterations. The Judicial Council recognizes that the addition of a judgeship or circuit boundary alteration is a matter of great gravity and substantial expense to the state's citizens. Therefore, careful inquiry and deliberate study according to a rigorous methodology will lay the foundation for any recommended changes to circuit judgeships or boundaries.

The Judicial Council acknowledges the National Center for State Courts' subject matter expertise in case processing and workload methodology and its documented best practices for assistance in this policy (see Appendix B).

1.2 – Policy Statements

1. The Judicial Council will recommend additional judgeships based only upon need demonstrated through the methodology contained herein.
2. The Judicial Council will recommend circuit boundary alterations based only upon need demonstrated through the methodology contained herein.
3. The Judicial Council will not recommend part-time judgeships or single-judge circuits.

Section 2 – Judgeship and Circuit Boundary Study

2.1 – Initiation

1. The Governor, members of the General Assembly, and superior court judges have standing to initiate judgeship and circuit boundary studies.
2. The AOC will notify the Governor, General Assembly, superior court judges, and district court administrators no later than April 1 that they may request studies in writing by June 1, or the next business day thereafter, prior to the session of the

General Assembly during which the judgeship or change in circuit boundaries is sought. Any request received after June 1 will not be considered until the following year except upon approval by the Chair of the Judicial Council in consultation with the Chair of the Standing Committee on Judicial Workload Assessment for good cause shown. Under no circumstances will a request received more than five business days after June 1 be considered during the current year.

3. Requests for studies will be sent to the Director of the AOC. If anyone superior court judge, other than a chief judge, requests a judgeship or circuit boundary study, the AOC will inform the chief judge of the same circuit and any adjacent circuits in the case of boundary studies that a request has been made. Any request by any party may be withdrawn by the same party at any time for any reason, and staff will notify all parties impact by such a withdrawal.
4. The AOC will send the qualification status of their respective circuits to all chief judges no later than May 1 of each year.

2.2 – Judgeship Study Methodology

The Judicial Council approves the methodology and all values associated with it in open session. (See Appendix A for definitions of italicized terms and a list of all values.)

1. The most recent three-year average of civil case filings and criminal case defendants, for each case type listed in Appendix A, will serve as the *total circuit caseload* for each case type. Each case type's caseload will be multiplied by its respective *case weight*. The resulting figure represents the *total circuit workload*.
2. The *total circuit workload* will be divided by the *judge year value* assigned to the circuit based on its *classification*. The resulting figure represents the *judge workload value*. If the *judge workload value* meets or exceeds the *judge threshold value*, then the circuit is qualified for an additional judgeship. If the *judge workload value* does not meet the *judge threshold value*, then the circuit is not qualified for an additional judgeship.
3. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.
4. A circuit that qualifies for an additional judgeship will have its judgeship study

prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. The Standing Committee may forward the recommendation to the Judicial Council for consideration at the first meeting of the fiscal year as described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a judgeship, the Standing Committee may consider that disagreement in their decisions to recommend new judgeships to the Council.

5. A circuit not qualified for an additional judgeship has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a judgeship study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

2.3 – Circuit Boundary Study Methodology

A proposed circuit boundary alteration will cause study of the requesting circuit and all adjacent circuits. A circuit is qualified for a boundary alteration if, after the proposed alteration, the following conditions are met.

1. Caseload and Workload

- a. Caseload is more evenly distributed across all circuits impacted by the alteration.
- b. Workload in altered circuits does not vary significantly from the statewide average workload.
- c. Caseload trend analysis of altered circuits does not project an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again in the near future.

2. Population

- a. Per judge population is more evenly distributed among circuits impacted by altered boundaries.
- b. Per judge population does not vary significantly from the statewide average in altered circuits.

- c. Population trend analysis of altered circuits does not show an imbalance in growth rates that would necessitate a reallocation of resources or alteration of circuit boundaries again within ten years.
- d. The population of altered circuits is more evenly distributed than the original circuits.

3. Judges

- a. The number of additional judges needed to serve altered circuits is not significantly greater than the original number.
- b. Judges' travel time and/or distance between courthouses decreases in altered circuits.

4. Administrative

- a. The one-time and recurring costs to altered circuits are not overly burdensome to the state or local governments. Changes in cost for personnel services and operations will be considered.
- b. The operational and case assignment policies are not negatively impacted in altered circuits.

- 5. The preceding conditions (1-4) will be considered for all potential circuit boundary alterations before qualification status is determined.
- 6. If a circuit meets a significant number of the preceding conditions, then the circuit is qualified for a boundary alteration. If a circuit does not meet a significant number of the preceding conditions, then the circuit is not qualified for a boundary alteration.
- 7. The AOC will notify the requestor and the circuit's chief judge of the circuit's qualification status.
- 8. A circuit that qualifies for a boundary alteration will have its judgeship study prepared and presented at the next Standing Committee on Judicial Workload Assessment Committee meeting. The Standing Committee may forward the recommendation to the Judicial Council for consideration at its next meeting as

described in Section 3. If a majority of the judges in a circuit vote to disagree with a request for a circuit boundary alteration, the Standing Committee may consider that disagreement in their decisions to recommend circuit boundary alterations to the Council.

9. A circuit not qualified for a boundary alteration has the right to appeal its status to the Standing Committee on Judicial Workload Assessment. If the appeal is approved, then the appealing circuit will have a boundary study prepared and presented at the next Judicial Council meeting as described in Section 3. Appeals may not be based upon a circuit's caseload.

Section 3 - Judicial Council Procedure

The Judicial Council will make recommendations to the Governor and the General Assembly for judicial personnel allocations and circuit boundary alterations annually prior to the beginning of the regular session of the General Assembly.

1. The AOC will prepare and present a judgeship and/or boundary study for all qualified circuits and non-qualified circuits with successful appeals that requested judgeship and/or boundary studies. The report will include the results of the judgeship and/or boundary studies, any letters of support from requesting circuits, any available *CourTools* data, and other information the AOC may deem beneficial to Judicial Council deliberations.
2. After reviewing the judgeship and/or boundary study, the Judicial Council, in open session, may discuss the merits of each request. Any Judicial Council member in a circuit or county affected by a study will be eligible to vote on motions affecting that circuit but will not be present or participate in deliberations regarding the circuit. Non-Judicial Council members offering support or opposition may be recognized to speak by the Chief Justice.
3. After deliberations, the Judicial Council will, in open session, approve or disapprove the judgeship and boundary changes presented in the judgeship and/or boundary study. Votes on such motions will be by secret, written ballot. Non-qualified circuits with successful appeals must have a two-thirds (2/3) majority to receive approval. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.

4. After determining the circuits recommended for an additional judgeship, the Judicial Council will rank the circuits based on need. Votes on such motions will be by secret, written ballot. Each ballot must be complete to be counted. The Vice Chief Judge of the Court of Appeals will oversee ballot counting.
5. Upon Judicial Council recommendation of an additional judgeship or circuit boundary alteration, the recommendation will remain for a period of three years unless (1) the total caseload of that circuit decreases 10 percent or more or (2) the circuit withdraws the request. In either case, the circuit must requalify before being considered again by the Judicial Council.
6. The AOC will prepare and distribute letters notifying requestors and chief judges of the Judicial Council's actions and distribute a press release summarizing the Judicial Council's recommendations.

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Appendix A

Definitions

Total circuit caseload – The average (arithmetic mean) of the most recent three-years of civil case filings and criminal case defendants for each case type.

Case weight – The average number of minutes needed to dispose of a particular case type.

Total circuit workload – The sum of the total circuit workload for each case type multiplied by the case type's corresponding case weight.

Judge year value – The average number of minutes per calendar year a judge is available to do case work.

Classification – The category of circuits based upon the following formula. (1) Urban circuits are circuits with one county and seven or more judges. (2) Suburban Single-County circuits are circuits with one county and fewer than seven judges. (3) Suburban Multi-County circuits are circuits with multiple counties and a number of judges greater than or equal to the number of counties in the circuit. (4) Rural circuits are circuits with a number of judges fewer than the number of counties in the circuit.

Judge workload value – The total circuit workload divided by the judge year value, representing the number of judges needed to do the work of the circuit during a year.

Judge threshold value – The value a circuit's judge workload value must meet or exceed to be qualified for an additional judgeship.

Values

Case Type	Case Weight (in minutes)	Judges in Circuit	Per Judge Value Needed to Qualify for Next Judge	Judge Threshold Value
Serious Felony	353.79			
Felony	49.30	2	1.350	2.700
Misdemeanor	13.17	3	1.340	4.020
Unified Appeal	7,200.00	4	1.330	5.320
Probation Revocation	19.34	5	1.320	6.600
Felony Accountability Court	207.23	6	1.310	7.860
Appeals/Review	54.58	7	1.300	9.100
Contract/Account	15.80	8	1.290	10.320
Dispossessory/Distress	27.02	9	1.280	11.520
Forfeiture	66.75	10	1.270	12.700
Habeas Corpus	134.35	11	1.260	13.860
Non-Domestic Contempt	76.57	12	1.250	15.000
Other General Civil	38.01	13	1.240	16.120
Post Judgment/Garnishment	3.31	14	1.230	17.220
Real Property	154.20	15	1.220	18.300
Tort/Negligence	125.31	16	1.210	19.360
Adoption	52.51	17	1.200	20.400
Child Support Enforcement	10.07	18	1.190	21.420
Contempt	26.22	19	1.180	22.420
Divorce/Alimony	45.92	20	1.170	23.400
Family Violence	24.32	21	1.160	24.360
Legitimation	32.14	22	1.150	25.300
Modification	58.03	23	1.140	26.220
Non-CSE/Custody	187.67	24	1.130	27.120
Other Domestic	11.67	25	1.120	28.000
Death Penalty Habeas Corpus	7,640.40			
Classification		Judge Year Value (in minutes)		
Urban		90,660		
Suburban Single County		89,940		
Suburban Multi County		78,900		
Rural		78,540		

Appendix B

Judicial Council Workload Assessment Methodology

The first data-driven analysis of the need for additional superior court judgeships was undertaken in response to requests for seven circuit studies in preparation for General Assembly consideration in 1974. These special studies were conducted according to a methodology dependent on comparisons of geographic, demographic, caseload, and practicing attorney data.

However, the goal was to craft a methodology in line with the following premise articulated by the Judicial Council.

“The single most important determinant of the number of judges required in a judicial circuit is the current and anticipated caseload in that circuit. Techniques . . . generally known as ‘weighted case averaging’ provide an informed basis for comparing different trial courts within a system and determining which ones may be overloaded and therefore in need of additional judicial manpower. Experience suggests that this type of caseload measure is a much better indicator of the need for new judgeships than other measures such as the simple number of case filings or changes in community population.”

The Judicial Council has employed various models to assess workload and recommend additional judgeships to the Governor and the General Assembly. Although it has been modified over the years to account for changing resources and technology, the methodology has always taken into account differing case types and their average time requirements. The Council’s Judicial Workload Assessment Committee is assigned the responsibility of reviewing and suggesting improvements to the methodology and potential changes to the Judicial Council policy governing additional superior court judgeships.

Integral to the workload assessment process is the quantitative analysis based on data produced from a time and motion study of judge work activities. A time and motion study is a scientifically developed method of tracking an activity over a specific period. Superior court judges record time spent on their work during a certain period, and these time data are joined with disposition data from the same interval to arrive at average times to disposition and judge year values. Three time and motion studies have been conducted in Georgia, in 2000, 2006, and 2011 to refresh the average time to disposition values as needed. Two additional studies were conducted in 2012 to create average time to disposition values for death penalty habeas corpus cases and adult felony accountability court cases.

The 2011 Time and Motion Study contained two data collection components. The first component is judge time spent on case and non-case related activities. Data collection took place during March 2011, with 147 of 205 superior court judges, representing 46 circuits, documenting time on printed or electronic forms. These judges, along with nine magistrates designated to preside in superior court, submitted 1,562,117 minutes of case and administrative

activity data to the AOC.

The second data collection component is disposition data. Superior court clerks in circuits with participating judges were asked to complete a summary report of dispositions for the month of March and submit it to the Council of Superior Court Clerks. The Council compiled data furnished by 126 clerks and forwarded a report totaling 32,742 criminal, general civil and domestic relations defendants and dockets to the AOC.

Once statewide data were synthesized, the following formula was applied to case related data to determine each case type's average time to disposition value:

$$\sum \left(\frac{\sum \text{Judge Minutes} - \sum \text{Judge Minutes from counties without disposition data}}{\sum \text{County disposition reports} \times \frac{\text{Participating judges in the circuit}}{\text{Total judges in the circuit}}} \right) \text{ for all circuits} = \text{Average Time to Disposition}$$

To ensure a valid and reliable calculation, the AOC removed the judge time recorded in counties for which no disposition data was furnished, and disposition reports for circuits where not all judges recorded time were adjusted proportionally to the number of judges participating.

To determine judge year values, total eight-hour work periods in a year are estimated to be 2,920. From this number, the following standard deductions were identified:

Standard Deductions	Hours
Weekends	832
Holidays	96
Annual Leave	120
Sick Leave	72
CJE	40
Total	1,160

$$\text{Total Hours [2,920]} - \text{Standard Deductions [1,160]} = \text{Average Work Hours [1,760]}$$

To complete the analysis, additional deductions are made based on circuit demographics and the administrative activity data submitted by judges. All times are in hours.

Non-Case Activities	Urban	Suburban Single County	Suburban Multi-County	Rural
Travel	0	0	104	160
Administration	181	208	293	247
Community Activities	68	53	49	44
Total	249	261	446	451



Judicial Council of Georgia Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice Harold D. Melton *HDM*
Chair, Standing Committee on Legislation

RE: Committee Report

DATE: July 17, 2018

On July 13, 2018, the Standing Committee on Legislation ("Committee") met to discuss legislative items for the 2019 Session of the General Assembly. The Committee makes the following recommendations to the Judicial Council:

I. Council of State Court Judges
Judicial Retirement System benefit calculation
(OCGA § 47-23-100 (a)(3) and (4))

The Committee recommends the Judicial Council support legislation to amend OCGA § 47-23-100 to restore the pension benefit calculation for state court judges to that for superior court judges and district attorneys. *(Draft language attached)*

II. Council of Municipal Court Judges
Training hours carryover
(OCGA Title 36 Chapter 32)

The Committee recommends the Judicial Council support legislation to amend Title 36 Chapter 32 of the OCGA to provide that a municipal court judge may carry over a maximum of six training hours per calendar year, and apply such hours to the next year, if the judge has completed training hours in excess of the number required by law. *(Draft language attached)*

III. Judicial Council
Post-judgment filings
(OCGA § 15-6-77 & 15-6-61)

The Committee recommends the Judicial Council **support** legislation to amend OCGA § 15-6-77 to require that separate case number entries be maintained for post judgment proceedings filed more than 30 days after judgment or dismissal in an action; and, to amend OCGA § 15-6-61 to provide for the computerized record-keeping of such new cases. *(Draft language attached)*

IV. Georgia Commission on Dispute Resolution
Uniform Mediation Act

The Committee recommends the Judicial Council **support** legislation to adopt the Uniform Mediation Act in Georgia. *(Information attached)*

V. Legislation Policy

The Standing Committee on Legislation recommends the Judicial Council adopt the *Legislation Policy*. *(Attached)*

VI. Authority to Act

The Committee requests approval to make decisions or take positions on legislation and related policy issues on behalf of the Judicial Council during the 2019 Legislative Session, when time constraints prevent the convening of the full Judicial Council.

Proposed legislation - Council of State Court Judges

O.C.G.A. § 47-23-100

§ 47-23-100. Salary defined

(a) As used in this article, the term "salary" means:

- (1)** For superior court judges, the earnable monthly compensation from state funds provided by law for judges of the superior courts on the date the member begins receiving a retirement benefit;
- (2)** For district attorneys, the earnable monthly compensation from state funds provided by law for district attorneys on the date the member begins receiving a retirement benefit;
- (3)** **For judges of the state courts, the earnable monthly compensation received as such judge; provided, however, that for members who become members after July 1, 1998, such amount shall not exceed the salary from state funds provided by law for superior court judges; and**
- (4)** For ~~judges and~~ solicitors-general of state courts, the average earnable monthly compensation received as such ~~judge or~~ solicitor-general; provided, however, that for members who become members after July 1, 1998, such amount shall not exceed the salary from state funds provided by law for superior court judges; and
- (5)** For juvenile court judges, the average earnable monthly compensation received as such juvenile judge; provided, however, that for members who become members after July 1, 1998, such amount shall not exceed the salary from state funds provided by law for superior court judges.

- (b)** The monthly employee contributions made by the employer on behalf of the member under Code Sections 47-23-80, 47-23-81, and 47-23-82 shall be used in the computation of the member's salary for the computation of the member's retirement benefits.
- (c)** Notwithstanding any provision of this chapter to the contrary, a member's salary shall be subject to limitations set forth in Code Section 47-1-13.

Proposed Legislation – Council of Municipal Court Judges

OCGA § 36-32-27.1

If a municipal court judge completes training hours in excess of the number of hours required by OCGA 36-32-27, credit for the training so completed, not to exceed six hours, shall be carried over and applied to the next calendar year.

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Proposed legislation - Judicial Workload Assessment Committee
Filing of post-judgment actions (O.C.G.A. § 15-6-77 & 15-6-61)

O.C.G.A. § 15-6-77

e) Costs in civil cases:

- (1) As used in this subsection, the term "civil cases" shall include all actions, cases, proceedings, motions, or filings civil in nature, including but not limited to actions for divorce, domestic relations actions, modifications on closed civil cases, adoptions, condemnation actions, and actions for the validation and confirmation of revenue bonds. Any postjudgment proceeding filed more than 30 days after judgment or dismissal in an action shall be considered as a new case for the purposes of this Code section and shall be given a new case number by the clerk of superior court.
- (2) Except as provided in paragraphs (3) and (4) of this subsection, the total sum for all services rendered by the clerk of the superior court through entry of judgment in civil cases shall be \$58.00. Such sum shall not be required if the party desiring to file such case or proceeding is unable, because of indigence, to pay such sum and such party files with the clerk an affidavit to such effect, as provided by law. Nothing contained in this subsection shall be deemed to require advance payment of such sum by the state, its agencies, or political subdivisions.
- (3) In all cases involving condemnations or the validation and confirmation of revenue bonds, the following additional sums shall be charged at the conclusion of the action:
 - (A) Validation and confirmation of revenue bonds pursuant to Code Section 36-82-79, first 500 bonds, each.....\$ 1.00
All bonds over 500, each..... .50
 - (B) Recording on final record, per page..... 1.50

O.C.G.A. § 15-6-61

§ 15-6-61. Duties of clerks generally; computerized record-keeping system

- (a) It is the duty of a clerk of superior court:
 - (1) To keep the clerk's office and all things belonging thereto at the county site and at the courthouse or at such other place or places as authorized by law;
 - (2) To attend to the needs of the court through the performance of the duties of the clerk required and enumerated by law, or as defined in court order, or rules;
 - (3) To issue and sign every summons, writ, execution, process, order, or

other paper under authority of the court and attach seals thereto when necessary. The clerk shall be authorized to issue and sign under authority of the court any order to show cause in any pending litigation and any other order in the nature of a rule nisi, where no injunctive or extraordinary relief is granted;

- (4) To keep in the clerk's office the following:
 - (A) An automated civil case management system which shall contain separate case number entries for all civil actions filed in the office of the clerk, including complaints, proceedings, Uniform Interstate Family Support Act actions, domestic relations, contempt actions, motions and modifications on closed civil actions, any postjudgment proceeding filed more than 30 days after judgment or dismissal in an action, and all other actions civil in nature except adoptions;
 - (B) An automated criminal case management system which shall contain a summary record of all criminal indictments in which true bills are rendered and all criminal accusations filed in the office of clerk of superior court. The criminal case management system shall contain entries of other matters of a criminal nature filed with the clerk, including quasi-civil proceedings and entries of cases which are ordered dead docketed at the discretion of the presiding judge and which shall be called only at the judge's pleasure. When a case is thus dead docketed, all witnesses who may have been subpoenaed therein shall be released from further attendance until resubpoenaed; and
 - (C) A docket, file, series of files, book or series of books, microfilm records, or electronic data base for recording all deeds, liens, executions, lis pendens, maps and plats, and all other documents concerning or evidencing title to real or personal property. When any other law of this state refers to a general execution docket, lis pendens docket, or attachment docket, such other law shall be deemed to refer to the docket or other record or records provided for in this subparagraph, regardless of the format used to store such docket;



Judicial Council of Georgia

Standing Committee on Legislation

Legislative Support Request – 2019 Session

Council/Organization: Georgia Commission on Dispute Resolution

Subject Matter: Uniform Mediation Act

Code Section:

1. Overview: Describe the proposal/legislation and its purpose.

This proposal is for the purposes of enacting the Uniform Mediation Act (UMA) in Georgia. The UMA, drafted by the Uniform Law Commission in collaboration with the American Bar Association's Section on Dispute Resolution, establishes a privilege of confidentiality for mediators and participants. The Act was amended in 2003 to facilitate state adoption of the 2002 UNCITRAL Model Law on International Commercial Conciliation. The UMA has been approved by the American Bar Association and endorsed by the American Arbitration Association, the Judicial Arbitration and Mediation Service, and the CPR Institute for Dispute Resolution. A copy of the UMA can be found at:

http://www.uniformlaws.org/shared/docs/mediation/uma_final_nc.doc

The UMA represents an important development in the law of mediation. Mediation is a consensual dispute resolution process in which the disputing parties reach a resolution themselves with the help of a mediator, instead of having a ruling imposed upon them. Parties' participation in mediation allows them to reach results that are tailored to their interests and needs. Indeed, mediation has been increasingly utilized in recent decades in resolving both personal and business disputes.

The Uniform Mediation Act will ensure that all mediations in Georgia are afforded the protections available under the UMA and will promote Georgia as a venue for both domestic and international mediations.

2. Priority: Is this legislation of high, medium or low importance to your council?

This is of high priority to the Commission.

3. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups that may be affected by this proposal (e.g., executive branch, other governmental entities, other agencies). Courts and governmental entities that use mediation will be affected to the extent there is legislation supporting the confidentiality of mediation; however, the legislation is consistent and compatible with current court rules in this area. Although the law will essentially remain the same for court-connected mediation and mediators, mediators and participants in private voluntary mediations will have confidentiality protections more similar to those currently available in court-connected mediation. Therefore, registered and private mediators in the state of

Georgia as well as parties and lawyers who participate in mediations in the state of Georgia will be affected. Finally, parties to international commercial disputes are affected to the extent the legislation supports mediation of those disputes by incorporating the UNCITRAL Model Law on Conciliation.

- b. Which are likely to support this request? Leaders of the Dispute Resolution Section and the International Trade and Legal Services Section of the State Bar of Georgia, the Dispute Resolution Section of the Atlanta Bar Association, and the Atlanta International Arbitration Society (AtIAS) report that the memberships of their organizations are likely to support this request.
- c. Which are likely to oppose this request? We do not know of any stakeholders or constituents likely to oppose this request
- d. Which have not voiced support or opposition?

4. Supporting data: Summarize any supporting data, evaluations, and/or research for this request.

On August 23, 2017, the Georgia Supreme Court's Commission on Dispute Resolution (GCDR) and the Atlanta International Arbitration Society (AtIAS) formed a Joint Working Group on Mediation Legislation in Georgia (the Group) to consider and make a recommendation on adopting the Uniform Mediation Act ("UMA" or the "Act").

The members of the Group were:

- o Douglas Yarn, Georgia State University College of Law
- o Shelby Guilbert, King & Spalding
- o Laura Ashby, Miller & Martin
- o R. Wayne Thorpe, JAMS
- o Mary Donovan, Donovan Resolution, member of Georgia Commission on Dispute Resolution
- o Tracy Johnson, Executive Director, Georgia Commission on Dispute Resolution
- o Timothy Hedeon, Kennesaw State University, member of Georgia Commission on Dispute Resolution
- o John Sherrill, Seyfath Shaw

The Group held six meetings to discuss various aspects of the UMA and whether it would be advisable to adopt the UMA in Georgia. The Group identified three main areas for discussion, prepared memoranda on these areas, and examined them in depth during the Group meetings. The three areas were 1) confidentiality and evidentiary privileges for mediation communications under the UMA; 2) mediator disclosure requirements under the UMA; and 3) the UMA and international mediation. In addition, the Group considered whether there were any conflicts between the Georgia Supreme Court Alternative Dispute Resolution Rules (which govern court-connected mediations in Georgia) and the UMA. It concluded there were no conflicts.

5. Additional impact: Will this request require a constitutional amendment or new court rule? Explain why the purpose of the bill cannot be achieved without legislation, if applicable.

The proposal does not require a constitutional amendment or new court rule. This legislation is required because current Georgia law in this area is inconsistent and confusing. For example, the laws protecting confidentiality in court-connected mediation are different from those applicable to private mediation. The Georgia Supreme Court's Alternative Dispute Resolution Rules (ADR Rules), which pre-date the UMA, regulate court-connected mediation in Georgia¹ and establish the parameters for confidentiality of statements and materials arising out of those mediations. Indirectly, the ADR Rules establish some degree of evidentiary privilege without using the precise word "privilege;" however in so doing, the ADR Rules conflate the concepts of privilege and confidentiality. In private mediation, confidentiality depends solely on other areas of Georgia law, such as contract and principles of evidentiary exclusion. Generally, the rules for confidentiality are not only different but also may be stronger and broader in court-connected mediation than in private mediation. Although the ADR Rules are arguably broader than the evidentiary exclusion available to disputants in private mediation who appear in subsequent litigation, they may be limited by their nature as local court rules rather than a statute. Nevertheless, one aspect of the ADR Rules that provides greater protection from disclosure is the limit on subpoenaing mediators and program staff. Generally, and in both court-connected and private mediation, there is no clearly established mediation privilege with which a mediator or party to mediation can refuse to testify in a subsequent proceeding.

In contrast to current Georgia law, the Uniform Mediation Act (UMA) outlines separate rules concerning distinct concepts of confidentiality and privilege. Additionally, the UMA applies to both court-connected mediation and private mediation. Adopting the UMA will bring clarity and consistency to the law for the benefit of both court-connected mediation and private, voluntary mediation. Because it is functionally consistent with the existing ADR Rules, it will not undermine the goals and purpose of those rules. By promoting candor of the parties, by retaining decision-making authority with the parties, and by promoting predictability with regard to the process and the level of confidentiality that can be expected by participants, the UMA furthers the State's constitutional mandate of providing "speedy, efficient, and inexpensive resolution of disputes." Moreover, adopting the UMA would enhance Georgia's stature as leading regional, national, and international center for alternative dispute resolution.

6. Budget: Will this legislation have a fiscal impact on the state? If yes, what is the projected expense? Has a White Paper been submitted to the Judicial Council Budget Committee (if applicable)? Will this legislation have a fiscal impact on counties or municipalities?

There is no foreseeable expense with this proposal.

¹ As adopted 1993 and subsequently amended through 2016.

7. Other Factors: Discuss any other relevant factors that should be considered, including experience in other states or whether similar legislation has been introduced in the past.

The UMA has been enacted in Washington D.C., Hawaii, Idaho, Illinois, Iowa, Nebraska, New Jersey, Ohio, South Dakota, Utah, Vermont, and Washington. In 2018 it was introduced as legislation in Massachusetts and New York. The Working Group reviewed all case law arising in connection with the UMA in the adopting states and determined no negative experience with implementation of the Act.

The Commission would like the Council to consider how much the success of mediation relies heavily on the willingness of the parties to act candidly with each other and the mediator; therefore, it is vital to assure the parties that statements made in mediation and documents generated as part of the mediation effort will not be disclosed outside of the process. Legal and ethical rules designed to assure nondisclosure fall under the broad rubric of confidentiality. Such confidentiality rules may refer to different mechanisms with specific legal meanings and effects. These include a more narrowly defined concept of confidentiality, evidentiary privilege, confidentiality agreements, and evidentiary exclusion.

The Commission notes that highlights of the UMA include the following:

- **Certainty** – Legal rules on mediation are addressed in more than 2,500 state and federal statutes, and more than 250 of these deal with confidentiality and privileges issues, alone. Complexity means uncertainty, which may inhibit the use of mediation. The UMA provides a single comprehensive law governing privileges and confidentiality in mediation.
- **Privacy** – One of the UMA’s central purposes is to provide a privilege for the mediation process that assures confidentiality. The Act establishes an evidentiary privilege for mediators and participants that prohibits what is said during mediation from being used in later legal proceedings.
- **Exceptions to Privilege** – The Act provides important exceptions to the confidentiality privilege. These exceptions include: threats made to inflict bodily harm or other violent crime; parties’ attempt to use mediation to plan or commit a crime; the need for information to prove or disprove allegations of child abuse or neglect; or the need for information to prove or disprove a claim or complaint of professional misconduct by a mediator.
- **Party Protection** – In addition to ensuring confidentiality in the mediation process, the Act further promotes the practice by requiring mediators asserting the privilege to have disclosed known conflicts of interest and provide qualifications upon request of a party.
- **Autonomy** – The Act promotes the parties’ autonomy by leaving to them those matters that can be set by agreement.
- **Applicability Exceptions** – The UMA does not apply to collective bargaining disputes, some judicial settlement conferences, or mediation involving parties who are all minors.

- **Uniformity** – Uniformity of the law helps bring order and understanding across state lines. Without uniformity, there can be no firm assurance in any state that a mediation is privileged. Uniformity is particularly important in cross-jurisdictional mediation. Because it is unclear which state's laws apply in those cases, the parties cannot be certain of the reach of their home state's confidentiality protections.
- **International** – By incorporating the UNCITRAL Model Law, the UMA promotes uniformity and clarity in the mediation of international disputes while also allowing parties to take advantage of the Act's broader privilege provisions.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Judicial Council of Georgia Legislation Policy

During the annual legislative session of the Georgia General Assembly, bills may be periodically introduced that affect the judicial branch. Proposed legislation that attempts to generate a policy change within a class of court may also adversely impact other classes of courts and may create undesirable effects on the quality of justice offered to the citizens of Georgia and the communities these courts serve.

When substantially critical subjects are included in proposed legislation, the Judicial Council Policy and Legislative Committee (“the Committee”) should be given the opportunity to first review the proposed legislation and determine whether, as a matter of policy, it should be supported. This process enables the Judicial Council, and judicial branch, to have a uniform voice and position regarding legislation and policy items.

All courts and councils are expected to adhere to the process of submitting proposed legislative items to the Committee for vetting, and for possible recommendation to and action by the Judicial Council. This policy shall apply to all general legislation and local legislation affecting more than one class of court.

In an effort to encourage participation in the established process of the Committee and the Judicial Council, the Judicial Council’s default position will be to ~~oppose~~ withhold support for, while reserving the right to oppose, any such legislation which has not been brought before the Committee for consideration.

Judicial Council/AOC staff is permitted to react to legislation in accordance with this policy as needed, in consultation with the Committee Chair. However, staff may collaborate with the various courts, councils and the Committee on their positions as time allows.




Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

To: Judicial Council Members

From: Presiding Justice Harold D. Melton, Chair 
Standing Committee on Budget

Re: Fiscal Year 2019 Judicial Council Budget and Financial Report
Amended Fiscal Year 2019 and Fiscal Year 2020 Judicial Council Budget Requests

Date: August 08, 2018

Fiscal Year 2019 Judicial Council Budget and Financial Report

Fiscal Year 2019 closed on July 13, 2018. The Judicial Council Financial Report is attached for review.

Amended Fiscal Year 2019 and Fiscal Year 2020 Judicial Council Budget Requests

The Judicial Council Standing Committee on Budget met on July 13, 2018, to review the Amended Fiscal Year 2019 budget and to consider three Fiscal Year 2020 enhancement requests submitted by the Administrative Office of the Courts, Judicial Council Technology Committee and the Supreme Court Committee on Justice for Children (J4C). White Papers are attached for review.

Amended Fiscal Year 2019

The Judicial Council received \$15,845,519 in State Appropriations for FY 2019. There were no enhancements or adjustments requested.

Fiscal Year 2020

Georgia Legal Services Program (GLSP), with the support of the Administrative Office of the Courts (AOC), submitted an enhancement request for Legal Services for Kinship Care Families in the amount of \$750,000. The Judicial Council Grants Committee would award competitive grants to nonprofit agencies across the state for these services. By unanimous vote, this request was approved by the Committee.

The Judicial Council Technology Committee, with the support of the Administrative Office of the Courts submitted an enhancement request for continuation funding for the Single Sign-On Portal. The amount requested is \$250,000. The request would provide continuation funding needed to

take the project out of the pilot phase. By unanimous vote, this request was approved by the Committee.

The J4C Committee submitted an enhancement request for the Court Process Reporting System (CPRS) in the amount of \$78,885. The request would provide CPRS the funding needed to maintain the CPRS. The current federal grant funds will be used to improve CPRS. Improvements are necessary to meet the larger demands for collecting dependency court orders statewide. Proper collection of court orders will aid in reducing the amount of audit fines the Georgia Department of Family and Children Services (DFCS) are assessed. DFCS is supportive of this request and is collecting data to support it. By unanimous vote, this request was approved by the Committee.

If the enhancement requests are approved, the FY 2020 Judicial Council budget will increase from \$15,845,519 to \$16,924,404. The increase represents an 8.37% increase to the Judicial Council Programs budget and a 15.46% increase to the Administrative Office of the Courts budget.

Attachments:

Fiscal Year 2019 Financial Report

Fiscal Year 2020 Enhancement Requests

Fiscal Year 2019 and Fiscal Year 2020 Budget Comparison

Judicial Council Operations Fiscal Year 2018

Budget At Fiscal Year 2018 End

Department	Project	FY 2018 Budget	Y-T-D Total Expenditures	Return to Treasury	Budget Spent
Administrative Office of The Courts		6,838,843	6,836,527	2,316	99.97%
Legal Services for Domestic Violence	103	2,500,000	2,500,000	0	100.00%
Georgia Council of Court Administrators	141	19,095	19,095	0	100.00%
Council of Municipal Court Judges	142	16,446	16,446	0	100.00%
Child Support Collaborative	174	118,707	117,531	1,176	99.01%
Council of Magistrate Court Judges	204	190,449	190,242	207	99.89%
Council of Probate Court Judges	205	182,260	182,260	0	100.00%
Council of State Court Judges	206	258,608	258,608	0	100.00%
Council of State Court Judges Ret.	207	2,623,814	2,623,814	0	100.00%
Other Judicial Council Subprograms		5,909,379	5,907,996	1,383	99.98%
Accountability Courts	195	659,430	641,440	17,990	97.27%
Resource Center	500	800,000	800,000	0	100.00%
Judicial Qualifications Commission	400	719,771	719,771	0	100.00%
Inst of Continuing Jud Ed Operations	300	64,000	64,000	0	100.00%
Inst of Continuing Jud Ed Administration	301	488,375	488,375	0	100.00%
Separate Judicial Council Programs		2,731,576	2,713,586	17,990	99.45%
TOTAL JUDICIAL COUNCIL		15,479,797	15,458,109	21,688	99.86%

FY 2019 and FY 2020 - Budget Comparison

Judicial Council - Budget Committee Report

Judicial Council Program & Subprograms	FY 2019	Enhancement Request	FY 2020 Request	% Change
Administrative Office of the Courts	\$ 6,979,863		\$ 8,058,748	15.46%
<i>J4C (CPRS)</i>		\$ 78,885		
<i>JC/Georgia Legal Services (Grants for Legal Services to Kinship Care Families)</i>		\$ 750,000		
<i>JC Technology Committee (Sign-On Portal)</i>		\$ 250,000		
Child Support Collaborative	\$ 119,000		\$ 119,000	
Georgia Council of Court Administrators	\$ 19,057		\$ 19,057	
Council of Magistrate Court Judges	\$ 190,449		\$ 190,449	
Council of Probate Court Judges	\$ 182,176		\$ 182,176	
Council of State Court Judges	\$ 2,882,422		\$ 2,882,422	
Council of Municipal Court Judges	\$ 16,185		\$ 16,185	
Civil Legal Services to Victims of Domestic Violence	\$ 2,500,000		\$ 2,500,000	
Judicial Council Programs and Subprograms Total	\$ 12,889,152	\$ 1,078,885	\$ 13,968,037	8.37%
Other Programs				
Council of Accountability Court Judges	\$ 736,558		\$ 736,558	
Appellate Resource Center	\$ 800,000		\$ 800,000	
Judicial Qualifications Commission	\$ 819,844		\$ 819,844	
Institute of Continuing Judicial Education	\$ 599,965		\$ 599,965	
Other Programs Total	\$ 2,956,367	\$ -	\$ 2,956,367	0.00%
Total	\$ 15,845,519	\$ 1,078,885	\$ 16,924,404	6.81%

July 24, 2018



JUDICIAL COUNCIL OF GEORGIA FY 2019 AMENDED REQUEST FORM FY 2020 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement?
Judicial Council - Georgia Legal Services Program

2. Enhancement Name/Descriptor:
Civil Legal Services to Kinship Care Families

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2019	\$0	\$	\$
<input checked="" type="checkbox"/> FY 2020	\$0	\$ 750,000	\$ 750,000

3. What will the enhancement accomplish?

- This funding will provide grant funds to organizations for attorneys to provide holistic legal services for kinship caregivers throughout Georgia. Attorneys will be able to secure legal custody for caregivers who step up to care for children at risk of being taken into care by the State.
- Additionally, these attorneys can provide access to financial benefits, healthcare support, educational supports, and safe housing for at risk children by assuring they receive the legal representation they need.
- It is expected over 1500 new cases would be opened each year with this funding.

4. What is unable to be accomplished without the enhancement?

- Without the civil legal services that this funding would provide, children in kinship care would continue to face increased social, legal, and financial issues. Many kinship families are low-income households and face complex issues, such as access to care benefits, threat of evictions, and education access - issues that are only resolvable through the assistance of an attorney. Without this support, fewer children will be able to remain in kinship care and instead, will be placed in foster care at an increased cost to the state.

5. Does the enhancement include salaried staff and/or operations, which includes contractors? no
- ☐ Salaried staff
 - ☐ Operating Funds (includes contractors)



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Budget Categories	FY 19 Amended Request	FY 20 Enhancement Request
Personnel Services:	\$ -	
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		
Professional Services (Expenses)		
Other Contractual Services (Non State)		
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		\$ 750,000
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 750,000
TOTAL OVERALL BUDGET	\$ -	\$ 750,000
State Funds		
Other Budgeted Funds		



JUDICIAL COUNCIL OF GEORGIA FY 2019 AMENDED REQUEST FORM FY 2020 ENHANCEMENT REQUEST FORM

Which Program is requesting this Enhancement?
Judicial Council - Civil Legal Services to Kinship Care Families

Part 1 – Detailed Explanation of Request

1. Proposal:

This funding will support providers of civil legal services for kinship caregivers and at risk children. Kinship care refers to full-time, non-parental care of children by grandparents, relatives, and sometimes family friends, without the assistance of parents. Relatives and other caregivers often struggle to provide for these new members of the household, who often arrive in their care following trauma or crisis.

Kinship caregiver needs include legal custody. Attorneys can also provide access to financial benefits, educational access, government support, and safe housing for at risk children by assuring they receive the legal representation needed. This funding would provide these kinship caregivers with the much needed legal assistance to ensure the home remains safe, stable, and sustainable for the children in their care.

Certain services would be specifically excluded, including:

- Class action suits;
- Criminal defense;
- Deportation proceedings;
- Juvenile delinquency;
- Indirect legal services – such as training;
- Matters to be adjudicated in courts outside of Georgia; and
- Other proceedings not related to the safety, stability, or economic security of the at risk child or kinship care family.

2. Geographic Impact: Where does the request impact the state?

☒ Statewide or list counties below:

3. Current Status:

- a. What is the budget unit currently doing to address this issue? NA
- b. Will those activities continue if this request is funded? NA

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request.

As of May 2018, 15,505 children are in state sponsored foster care, with a recent spike of 877 children coming into care in the past 4 months. A much larger number are informally placed with relatives and other caregivers. In 2015, the Georgia House Study Committee on Grandparents Raising Grandchildren



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and Kinship Care issued a report identifying the special needs of children in kinship care relationships. Census data from the American Community Survey 2016 indicate 40,814 Georgia grandparents are raising grandchildren. An Administration for Children and Families (ACF) report indicates that almost ½ co-residing Georgia grandparents are primary caregivers, nearly ½ are 60 years of age or older, and about 1/3 live in poverty.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

Atlanta Legal Aid has a Kinship Care Unit consisting of 2 attorneys and 1 paralegal. In 2017, Atlanta Legal Aid as a whole handled 1721 cases for kinship caregivers, impacting 3403 children. Of those cases, the Kinship Care Unit handled 224 of those cases, impacting 457 children.

- c. Other jurisdictions have similar legal aid providers who have been successful in meeting the needs of kinship caregivers, such as Mobilization Project in New York (<http://mobilizationforjustice.org/projects/kinship-caregiver-law-project/>).

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

Providers will measure the success of the project by reporting semi-annually to the Judicial Council on the numbers of children and at-risk families served, including the types of legal representation provided. They will also provide reports on the demographics of those served, including geographic location, gender and racial breakdown and the amount of financial benefits secured for the family.

- b. If an enhancement, what is the projected cost savings or return on investment?

Studies report that informal kinship caregivers save U.S. taxpayers an estimated \$4 billion annually by caring for kin that would otherwise fall into the custody of the state. Providing civil legal services to these households increases the stability and effectiveness of care for children in care, and thereby decreasing the need, and associated costs, for DFCS involvement, including placements in non-kinship foster care homes.

- c. What efficiencies will be realized?

This funding will reduce the need for intrusion by the state into the family, and reduce the high costs to the state and the devastating impact on children from intervention by: formalizing the relationship between the child and the caregiver, helping families access economic support, helping families access supports for children living with disabilities, and helping families with estate planning to protect the child's stability if the caregiver passes away.

6. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).



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Constituents and stakeholders include: Division of Families and Children Services, kinship caregivers, children in kinship care homes, legislators, community leaders, the private bar, juvenile judges, and other child-focused agencies and coalitions in Georgia.

b. Which are likely to support this request?

All stakeholders are likely to support this request because they each see the need to secure more stable and sustainable kinship care homes through legal services.

c. Which are likely to oppose this request?

The Council is unaware of any opposition to this request.

d. Which have not voiced support or opposition? None

7. Legislation or Rule Change:

a. Is legislation or a rule change required if this request is implemented? If so, please explain. No.

b. Is this request a result of a legislation or rule change? If so, please explain. No.

8. Alternatives: What alternatives were considered and why are they not viable?

Because the cost of civil legal services is too high for most of the kinship caregivers in Georgia, these families, unfortunately, have no other alternative.

Part 2 - BUDGET

9. Requested and Projected Resources:

a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*

- Positions:
- Operational needs:

b. What are your out-year projections?

10. Methodology/Assumptions:

a. Provide the methodology and assumptions behind the requested amount and out-year projections.

The \$750,000 will cover services approximately equivalent to 10 lawyers across the state to provide legal services for one year (twelve months).

b. How did you arrive at the amounts?

Based on Atlanta Legal Aid's current budget covering 2 attorneys and 1 paralegal.



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- c. What time period does the request cover (i.e., the number of months)?
Twelve months.

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc.). None.

Part 3 - OTHER INFORMATION

12. Discuss any historical or other relevant factors that should be considered.

Beginning in 1999, the Georgia General Assembly appropriated funds to the Judicial Council of Georgia for grants to provide civil legal services to victims of family violence. The Judicial Council adopted general guidelines to govern the granting of these funds which are filed with the Georgia Secretary of State. It has also delegated to its Judicial Council Standing Committee on Grants (Grants Committee) the duty of accepting and evaluating grant applications and awarding grants.

The Grants Committee will oversee any new appropriation for civil legal services to aid kinship care and at risk children. The Grants Committee will award these funds starting July 1. Seventy-five percent of the grant money will be awarded pursuant to the poverty population guidelines, which is based on the most current estimates from the U.S. Census, and twenty-five percent of the grant money will be awarded to special needs areas. Special needs categories (such as homelessness or rural counties with fewer than ten attorneys) may also be considered. Based on the poverty population's guidelines, the funding will be distributed outside of the five core metro Atlanta counties where sixty-eight percent of the states 1,187,586 residents are below the poverty level.

Grant proposals will be considered from non-profit providers of civil legal services for kinship caregivers and at risk children in Georgia. Providers may apply for funds from both categories.

Grants will be awarded for a one-year term. Each of Georgia's forty-nine circuits will be included. The amount of funds available for distribution to grantees may change each year based on the amount of funds appropriated to the Judicial Council/Administrative Office of the Courts and the cost of the administrative oversight of these funds.

In no event shall a grantee provide free legal services to a client whose income exceeds 200% of the federal poverty guidelines.



JUDICIAL COUNCIL OF GEORGIA FY 2019 AMENDED REQUEST FORM FY 2020 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement?

Judicial Council Technology Committee

2. Enhancement Name/Descriptor: **Single Sign-On Portal**

FISCAL YEAR	Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/> Amended FY 2019	\$0	\$	\$
<input checked="" type="checkbox"/> FY 2020	\$125,000	\$ 250,000	\$375,000

3. What will the enhancement accomplish?

This enhancement will add needed staffing and support to a statewide, wide-scale and diverse project with a numerous public and private sector partners. Current design, development and maintenance is being handled by AOC staff on a project basis but this program needs to be moved out of a pilot phase. The site is live and integration partners are ready but additional resources are needed to ensure the Single Sign-On Portal does not stall.

The premise of the portal is to enable trusted relationships between judicial service providers and therefore requires partnerships to continue. Funding and support is needed in order to accomplish these integrations. Through Professional Services, the State can contract with agencies and private entities to allow services to be made available through the Portal. As the Portal grows, additional licensing will also be required continue bringing up service components for judicial customers.

4. What is unable to be accomplished without the enhancement?

A true support model with a help desk and dedicated resource will not be possible without additional funding. Customers will not have any direct means to make requests, have questions answered, resolve issues or even make recommendations.

The Single Sign-On functionality has been tested and implemented but future partners will be unable to be integrated without this funding. Expansion and additional service components will require added resources.

5. Does the enhancement include salaried staff and/or operations, which includes contractors?

- ☒ Salaried staff
- ☒ Operating Funds (includes contractors)



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Personnel Services:	\$	-	\$	122,250
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Operating Costs:				
Postage				
Motor Vehicle Expenses				
Printing, Publications, Media				
Supplies and Materials		\$		250
Repairs and Maintenance				
Equipment < \$5,000		\$		2,500
Water/Sewage				
Energy				
Rents Other Than Real Estate				
Insurance and Bonding				
Freight				
Other Operating				
Travel – Employee		\$		3,000
Real Estate Rentals				
Professional Services (Per Diem)				
Professional Services (Expenses)				
Other Contractual Services (Non State)		\$		82,000
Contracts – State Orgs		\$		39,250
IT Expenses				
Voice/Data Communications		\$		750
Grants				
Indirect Costs				
Transfers				
Total Operating Budget	0	\$		127,750
TOTAL OVERALL BUDGET				
	\$	-	\$	250,000

State Funds	\$	250,000
Other Budgeted Funds		



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Which Program is requesting this Enhancement?
Judicial Council - Administrative Office of the Courts

Part 1 – Detailed Explanation of Request

1. Proposal:

The requested funding is to hire a dedicated, full time resource to manage integration, design, documentation, support and maintenance of the Georgia Judicial Services Portal (GJSP). This person will work with existing JC/AOC staff to ensure the services and functionality are available and continue to be enhanced for GJSP customers. This resource will have access to database, development and infrastructure resources currently working within the JC/AOC IT Division.

Additional funds are also being requested to support this FTE with contractor / vendor services that cannot be accomplished in house or would not require long term, permanent resources.

2. Geographic Impact: Where does the request impact the state?

☒ Statewide or list counties below:

3. Current Status:

- a. What is the budget unit currently doing to address this issue?

The pilot has been developed with appropriated funds and the GJSP is currently 'Live' at portal.georgiacourts.gov. Limited functionality has been introduced as a proof of concept.

- b. Will those activities continue if this request is funded?

The GJSP will continue if the funding is not granted but expansion and functionality will remain at current levels.

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?
- Number of service components.
 - Number of partners.
 - Number of visitors / profiles.



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b. If an enhancement, what is the projected cost savings or return on investment?
This is for expansion and support.

c. What efficiencies will be realized?

- Stream lined access to court services.
- Enhanced service and support delivery.
- Time savings for customers and improved customer experience.

6. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).
- b. Which are likely to support this request?
- c. Which are likely to oppose this request?
- d. Which have not voiced support or opposition?

7. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain.
- b. Is this request a result of a legislation or rule change? If so, please explain.

8. Alternatives:

What alternatives were considered and why are they not viable?

Part 2 - BUDGET

9. Requested and Projected Resources:

- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*
 - Positions:
 - Operational needs:
- b. What are your out-year projections? \$375,000



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10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
- b. How did you arrive at the amounts?
- c. What time period does the request cover (i.e., the number of months)?
- d.

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc).

Part 3 - OTHER INFORMATION

12. Discuss any historical or other relevant factors that should be considered.



JUDICIAL COUNCIL OF GEORGIA FY 2019 AMENDED REQUEST FORM FY 2020 ENHANCEMENT REQUEST FORM

REQUEST SUMMARY:

For use as talking points during conversations with funding and policy making bodies to include the Judicial Council, General Assembly, and Office of the Governor.

1. Which Program is requesting this Enhancement?

Judicial Council – Justice for Children (J4C)

2. Enhancement Name/Descriptor:

Court Process Reporting System (CPRS) Project - Year 3 Request

FISCAL YEAR		Current state funds received	Amount Requesting	If granted, new state funding level
<input type="checkbox"/>	Amended FY 2019	\$0	\$	\$
<input checked="" type="checkbox"/>	FY 2020	\$115,298	\$ 78,885	\$194,183

3. What will the enhancement accomplish?

- a. CPRS allows sharing real-time child welfare data between the executive branch and the judicial branch to improve court efficiency and improve outcomes for children in state foster care custody. We are currently using our state funding to cover the day-to-day system operations and maintenance but are not fully covered by the current state funding level. As detailed below, CPRS is embarking upon new implementations which will challenge our current operational capacity, but which will, among other things, result in much greater ability to provide up-to-date court orders to DFCS. The new enhancements should increase the state's ability to recover more federal funding in the form of federal reimbursements for foster-care costs. These new implementations require greater storage capacity, the ability for more user access, and support for greater data traffic. Our staff will have to track a greatly-increased user base, as well as provide troubleshooting and maintenance. In addition to our new projects, the communication link between CPRS and the DFCS SHINES data system which is the heart of our operations requires constant monitoring and adjustments to compensate for changes made by DFCS to SHINES. Should we receive the requested enhancement, we will be able more fully to meet these challenges.
- b. The federal funding we have received is not a guaranteed source of funds. In the Fall of 2016 our funding was unexpectedly cut by 75% as the Congress failed to pass a budget. Full funding was restored the next year, but the nature of federal grant funding is less reliable than state funding, and data systems such as CPRS require a stable



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funding platform so that performance is not impaired. As long as we continue to receive federal grant funds for CPRS, we will use these to design and implement user-requested enhancements that go beyond our core functionality (e.g., mobile apps for tracking foster-home availability and service-provider locations and user interface improvements). We will use state funding for our core operations and maintenance.

- c. As of fall 2018, for the first time, DFCS SAAGs will be required by DFCS to upload to CPRS all court orders in dependency, termination-of-parental-rights, and ancillary cases. By enhancing the capacity of CPRS to deal with this large increase in data, and by enhancing the capacity of CPRS to provide these orders each day to the DFCS SHINES system, we will greatly increase both the quality of outcomes in these cases and the State's ability to recover more money in federal Social Security Title IV-E reimbursements. Right now, an often-cited reason for IV-E diminished reimbursement is the unavailability of timely court orders.
- d. As of fall 2018, CPRS is implementing enhancements to allow for more robust use by CASA programs throughout the State. Though Georgia CASA will bear a part of the expense of this enhancement, the maintenance of this enhancement will require greater expense from the CPRS project.
- e. This enhancement in funding will make CPRS almost completely State-funded. Over the years, uncertainty and instability in the availability of federal grant funds has threatened the continuation of CPRS. Because CPRS provides such a valuable service to the State, making the program viable without complete dependence upon federal grant funds is a priority for the Judicial Council. With State funding providing for the continued day-to-day operation and expansion of CPRS, it is anticipated that remaining federal grant funds will be used to fund improvements to the CPRS user interface, the development of user applications (including mobile access), and other improvements.

4. What is unable to be accomplished without the enhancement?

Without the enhancement, CPRS's progress in providing relevant child welfare data to juvenile court stakeholders may be delayed indefinitely in the event of a disruption in federal grant funds. Even with continued federal grant funding, enhanced state funding is needed to implement fully the program improvements described above, both in the short and long term.

5. Does the enhancement include salaried staff and/or operations, which includes contractors?

- ☐ Salaried staff
- ☒ Operating Funds (includes contractors)



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Budget Categories	FY 19 Amended Request	FY 20 Enhancement Request
Personnel Services:	\$ -	\$ 57,000
Operating Costs:		
Postage		
Motor Vehicle Expenses		
Printing, Publications, Media		
Supplies and Materials		
Repairs and Maintenance		
Equipment < \$5,000		
Water/Sewage		
Energy		
Rents Other Than Real Estate		
Insurance and Bonding		
Freight		
Other Operating		
Travel – Employee		
Real Estate Rentals		
Professional Services (Per Diem)		\$ 10,000
Professional Services (Expenses)		\$ 47,183
Other Contractual Services (Non State)		\$ 80,000
Contracts – State Orgs		
IT Expenses		
Voice/Data Communications		
Grants		
Indirect Costs		
Transfers		
Total Operating Budget	0	\$ 137,183
TOTAL OVERALL BUDGET	\$ -	\$ 194,183
State Funds		\$ 194,183
Other Budgeted Funds		



JUDICIAL COUNCIL OF GEORGIA FY 2019 AMENDED REQUEST FORM FY 2020 ENHANCEMENT REQUEST FORM

Which Program is requesting this Enhancement?
Judicial Council - Administrative Office of the Courts

Part 1 – Detailed Explanation of Request

1. Proposal:

The Administrative Office of the Courts (AOC) partners with the Division of Family and Children Services (DFCS) to provide real time data on child dependency cases to juvenile judges, attorneys, and other child welfare stakeholders.

The Court Process Reporting System (CPRS) is a secured web-based system that provides child welfare stakeholders with relevant information on children in foster care statewide, including but not limited to: case plan information, judicial court orders, citizen panel reports, Court Appointed Special Advocates (CASA) reports, Department of Juvenile Justice (DJJ) information and Department of Education information.

CPRS is currently partially grant-funded, but limited in the scope of the case types that may be included within the project (dependency/delinquency). Possible future unavailability or limitation of federal grant funds can endanger the program. Funds are requested to institutionalize CPRS as a State program.

2. Geographic Impact: Where does the request impact the state?

☒ Statewide or list counties below:

3. Current Status:

- a. What is the budget unit currently doing to address this issue?
Currently CPRS is funded by data grant from federal court improvement program. Federal funding cannot cover full integration of all case types. It can be used to supplement state funding to support integration of dependency and delinquency cases, and to allow for certain system improvements not covered by State funding.
- b. Will those activities continue if this request is funded?
CPRS activity will continue if this request is approved at the state level

4. Supporting Data:

- a. Provide any supporting data, evaluations, and/or research for this request.
CPRS feedback is collected through a CPRS Super User group. This group provides feedback on the system, tests new features and gives suggestions on how the system can be improved in quarterly meetings. The 35-member group includes professionals from various areas of child welfare system, including but not limited to:



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- Judges, attorneys,
- Juvenile court clerks,
- Superior court clerks,
- Court appointed special advocates (CASA), and
- Special assistant attorney generals.

- b. Include information on similar successful programs or evaluations in other jurisdictions that are relevant to this request.

CPRS shares real time data between the executive and judicial branch uniquely for the child dependency cases. Please see www.gacprs.org for more information on CPRS.

5. Performance Measures:

- a. What measures are or will be used to evaluate the impact of this change?

CPRS activities are evaluated by the usage of the system per user type, the number of counties uploading court orders and the number of counties participating in E-filing. CPRS is also evaluated by ongoing data quality assurance process between the judicial and executive branches.

- b. If an enhancement, what is the projected cost savings or return on investment?

The projected cost savings varies from jurisdiction to jurisdiction. The return on investment will be based on increase user base, increase data usage, improving the delivery of court orders and improving the overall efficiency of the juvenile process for dependency cases. There is a high probability of a good return on investing since CPRS has grown substantially in the last 7 years with 47 CASA programs using it daily and court orders being transferred in about 80 counties. E-filing pilot projects are in place in several jurisdictions.

- c. What efficiencies will be realized?

CPRS will employ quality assurance checks once every other month and generate data on usage monthly. These measures will include the raw data from user usage, number of court orders uploaded, number of counties participating in e-filing and number of data integrity inquiries collected in a given period.

6. Stakeholders & Constituents:

- a. Describe the constituent and stakeholder groups affected by this change (e.g., board members, advocates/interest groups, service providers, other agencies, other governmental entities).



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The Judicial branch partners with the Georgia's Division of Family and Children Services. This partnership actively engages to provide CPRS for its stakeholders.

The stakeholder group is comprised of:

- DFCS case managers and their supervisors,
- Special Assistant Attorney General (SAAG) representing DFCS,
- Georgia Department of Education (DOE),
- Georgia Court Appointed Special Advocates (CASA),
- Local juvenile courts, and
- Child welfare attorneys.

CPRS transfers court orders from local juvenile courts to GA SHINES daily and then extracts data nightly. GA SHINES is the database for Georgia DFCS.

Georgia CASA programs use CPRS for case research, CASA reports and local CASA programmatic information.

SAAGs use the system for case research, court order retrieval and e-filing. As of Fall 2018, DFCS is requiring all SAAGs to upload all court orders to CPRS, which will provide them daily to SHINES.

DOE uploads the educational information for children in foster care to the system on a six month basis.

DJJ also uploads their information on children under their jurisdiction to this system nightly (but this data does not include the independent courts delinquency cases).

Child welfare attorneys use the system for case research, court order retrieval, and to assist in their advocacy and practice.

b. Which are likely to support this request?

All members of the stakeholders group will likely support this request because they rely on the data from CPRS to complete their daily work tasks. CPRS has been working with all these groups for over 16 years, developing strong working relationships, assessing their needs and responding to their requests.

- c. Which are likely to oppose this request? None.
- d. Which have not voiced support or opposition? None.

7. Legislation or Rule Change:

- a. Is legislation or a rule change required if this request is implemented? If so, please explain. No.



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- b. Is this request a result of a legislation or rule change? If so, please explain. No.
8. Alternatives:
What alternatives were considered and why are they not viable?

CPRS is one of the only programs in its class nationwide. Other programs also are owned, developed, and supported by private for-profit vendors. CPRS is owned by the State of Georgia, and is built on open-source data code.

Part 2 - BUDGET

9. Requested and Projected Resources:
- a. For enhancements and certain base adjustments, describe the additional resources are you requesting. **Ensure descriptions and amounts align with the budget chart on page 2.*
- Positions:
 - Operational needs:
- Maintain synchronization with GA DFCS changes.
DFCS, our primary data partner, continually improves their data system, and we need to update CPRS so that our data sharing interfaces continue to operate and so that we can present the shared information appropriately to our users. DFCS has a significantly larger team that uses a development process that takes a considerable amount of our time.
- Support new statewide SAAG court order uploading and electronic filing mandate.
Training the state's SAAG offices and addressing their daily requests is a completely new responsibility for this team. Storing the states orders will require some infrastructure updates. We will have to work with GTA to increase our database capacity. We will need to develop a more robust support process, and we anticipate more statewide travel to manage these new users.
- Share court orders with third party organizations to streamline Juvenile Court operations.
This feature will require supporting and coordinating with a new data interface partner, as we send and receive court orders to different courts. We will have to make code changes and address new issues that arise from supporting a completely new set of data



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sharing partners. We will experience an increase in Juvenile Court usage. We will need to develop training and support materials.

-- Implement statewide data dashboards.

We would like to provide management level data visualization and analytics for our users.

-- Develop data interfaces and extractions to support possible remote and mobile applications.

The current CPRS architecture does not allow communications with mobile apps. We propose a secure mechanism to share some CPRS data outside of the Georgia Technology Authority data center so that our users can begin utilizing CPRS information (such as potential providers) on mobile apps in the field.

b. What are your out-year projections? \$194,183

c. Additional Budget Information:

Planning, Analysis, Design -- 22% (\$42,720)

Business feature analysis & requirements gathering

Function design

Feature and Module integration

Field request verification and consolidation

Presentations

Training

Ongoing status touch-points

Stakeholder organization coordination and communication

Development -- 40% (\$77,673)

Detailed feature design

Coding

Data modeling

Database development and updates

Write new reports and provide ad-hoc reporting

Develop training materials

Testing -- 9% (\$17,477)

New software system testing

Regression testing

Verification testing



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Operations -- 15% (\$29,128)

- Provide server, network, system software maintenance and general infrastructure support
- Ensure successful county and stakeholder-specific operations
- Engage county stakeholders

Support -- 14% (\$27,185)

- Address unscheduled end-user requests and reports
- Ensure proper operation of all data interfaces
- CPRS deployment for new counties and end-users
- Triage issues
- Solve reported issues

10. Methodology/Assumptions:

- a. Provide the methodology and assumptions behind the requested amount and out-year projections.
The requested amount is an estimate based on work performed currently and in the past as well as projected expenses.
- b. How did you arrive at the amounts?
The amount requested brings funding to 78% of the current federal grant amount. This level of funding has been shown by past experience to be sufficient for the continuation of the project, but not for all desired enhancements. Federal grant funds will continue to be used as available to implement enhancements not covered by State funding levels.
- c. What time period does the request cover (i.e., the number of months)? 12 months.

11. Federal and Other Funds: Describe the impact on federal and/or other funds related to this request (amount, policy etc). None.

Part 3 - OTHER INFORMATION

12. Discuss any historical or other relevant factors that should be considered.

In 2008, CPRS replaced CPRS1 (Case Plan Reporting System). CPRS requests updated case plan information for children involved in child welfare system from GA SHINES nightly. GA SHINES locates the requested case plan data and transmits the data to CPRS. After the data transfer, the case information is available for viewing within CPRS. CPRS also serves as a repository for court orders (scanned and stored with each child) and reports (CASA and Panel). The maintenance of CPRS is necessary for the expansion and sustainability of the Court Process Reporting System.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia
FROM: Judge Shawn LaGrua, Chair
Ad-Hoc Committee on Process Servers
RE: Updates on Rules and Regulations for Process Servers
DATE: July 20, 2018

The chair of the Judicial Council created the ad-hoc committee on June 3, 2016, to review and draft a new set of rules for process servers. The Committee voted on and approved amendments to the rules originally adopted by the Judicial Council on January 5, 2012, to comply with and to reflect the Supreme Court's decision in the *Georgia Association of Professional Process Servers (GAPPS) v. Jackson*.

In addition to minor edits, the major proposed changes to the rules include the following:

1. **Review of Training Providers** (Article 5, Section B, Subsection 7): The AOC will be tasked with reviewing the approved training providers every five years after the adoption of these rules, or every five years after initial certification.
2. **Assessment on Passage Rates** (Article 5, Section C): The AOC will be tasked with maintaining a record of passage rates of students and a cumulative number of the training provider based on students' scores. Should the passage rate fall below 70% for 3 consecutive tests, the training provider will be put under probation. Further regulations as to the probationary status are laid in the rules.
3. **Approved Training Programs** (Article 5, Section B, Subsection 3): All pre-certification and continuing education training courses may be provided in either an in-person or online setting. Either setting must comply with rules and regulations regarding course pre-approval.
4. **Clarification regarding complaints against a Certified Process Server** (Article 11): Any persons needing to file a complaint against a process server will be referred to O.C.G.A. § 9-11-4.1(c) which is incorporated by reference.

RULES AND REGULATIONS

GEORGIA

CERTIFIED PROCESS SERVER PROGRAM



Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, GA 30334
Effective Date: January 1, 2019 → Proposed Revisions

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ARTICLE 1: Purpose

To improve the standards of practice for private service of process and to provide a list of persons eligible to serve process in courts statewide, the Georgia General Assembly amended O.C.G.A. § 9-11-4.1.; to grant authority for civil process to be served in Georgia by persons deemed by sheriffs of any county in Georgia to have met the criteria to be certified to serve process in addition to sheriffs, marshals, and permanent process servers. The Judicial Council of Georgia promulgates these rules to implement and explain specific procedures regarding Certified Process servers in Georgia.

ARTICLE 2: General Provisions

A. Legal Authority

O.C.G.A. § 9-11-4.1(a) authorizes the Judicial Council of Georgia to promulgate rules and regulations regarding certified process servers in Georgia by requiring all those desiring to become certified process servers in Georgia to comply with O.C.G.A. § 9-11-4.1 “and any procedures and requirements set forth in any rules or regulations promulgated by the Judicial Council of Georgia regarding this Code section.”

B. Location of Offices

The address of the principal office of both the Judicial Council of Georgia and the Administrative Office of the Courts of Georgia is 244 Washington Street SW, Suite 300; Atlanta, Georgia 30334-5900. The address of the principal office of the Georgia Sheriffs' Association, Inc. is 3000 Highway 42 N; Stockbridge, GA 30281.

C. Definitions

For the purpose of these rules:

1. “*Council*” means the Judicial Council of Georgia;
2. “*AOC*” means the Administrative Office of the Courts of Georgia;
3. “*GSA*” means the Georgia Sheriffs' Association, Inc.;
4. “*GCPS*” means Georgia Certified Process Server;
5. “*Coordinator*” means the Program Coordinator of the Georgia Certified Process Server program;
6. “*Exam*” means the Georgia Certified Process Server Examination;
7. “*Identification Card*” means the non-law enforcement credentials issued to Certified Process servers by the certifying Sheriff; and
8. “*GCR*” means the Georgia Courts Registry, the website to be used by individuals seeking certification and registering for testing.

D. Administration

1. The Director of the AOC will be the Program Coordinator. Through the Director, his or her designee shall assist the Judicial Council in promulgating rules and regulations, approving training and testing programs, and coordinating with the GSA and others involved in the certification process.

E. Effect of these Rules on Persons Authorized to Serve Process by Other Law

These rules pertain to only process servers certified pursuant to O.C.G.A. § 9-11-4.1(a).

ARTICLE 3: Certification

A. General Requirements

1. To be a certified process server in Georgia, an individual must:
 - a. Be at least 18 years of age;
 - b. Be a citizen of the United States; and
 - c. Not have been convicted of or entered a plea of guilty or of *nolo contendere* to, have a pending first offender or conditional discharge adjudication for, or have a pending charge for, the following:
 - i. A felony;
 - ii. Impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - iii. A misdemeanor domestic violence;
 - iv. A misdemeanor crime of moral turpitude;
 - v. Any traffic offense which may result in a suspension or revocation or a driver's license;
 - vi. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
 - vii. Driving Under the Influence under O.C.G.A. § 40-6-391.

B. Application

1. A person seeking certification must file with the sheriff of any county in Georgia a completed, sworn GCPs application packet.
2. For an application packet to be complete, it must contain the following:
 - a. A complete GCPs application;
 - b. Documented proof of citizenship;;
 - c. Results of a fingerprint-based criminal background check conducted in accordance with Article 7 of these Rules;
 - d. A certificate of successful completion of pre-certification training, given to the applicant by any approved training provider, as detailed in Article 5.E of these Rules;

- e. A certificate of successful completion of the GCPS Exam as detailed in Article 6 of these Rules;
 - f. A surety bond substantially in the form of Appendix A, or a commercial insurance binder demonstrating that applicant has obtained, and maintains a policy of liability insurance in the amount of at least \$25,000 as required by O.C.G.A. § 9-11-4.1(b)(1)(D) to protect members of the public and persons employing the certified process server against any damage arising from any actionable misconduct, error, or omission on the part of the applicant while acting as a certified process server;
 - g. An \$80 application fee in the form of money order or cashier's check made payable to the Sheriff's office that receives the application; and
 - h. Other fees that the Council may establish from time to time.
- 3. Sheriffs shall accept only complete certification application packets. Acceptance of a certification application packet does not grant a process server authority to operate in a county.
 - 4. All applicants and certified process servers must, at least annually, log into their GCR accounts to update their contact information and communicate with AOC staff whenever appropriate and/or needed.

C. Application Review; Rejection; Approval; Identification Card; Oath; List

- 1. Complete certification application packets shall be reviewed and either approved or rejected for cause by the receiving sheriff within 15 business days of their receipt. If the receiving sheriff rejects a certification application, the sheriff shall issue a written response showing grounds as to why the application was rejected and shall issue the response to the applicant and file it with the GSA.
- 2. When the receiving sheriff approves an application, an Identification Card shall be issued to the applicant, who, upon receipt of the Identification Card and writing of the Oath as specified in Article 8, will be a certified process server in Georgia.
- 3. An applicant may appeal the receiving sheriff's decision as provided for in Article 11.A. of these Rules.

D. List of Certified Process servers

In accordance with OCGA § 9-11-4.1(e), the GSA shall maintain a registry of all certified process servers in Georgia. GSA will share this list with the AOC by the beginning of every calendar year in electronic format or as needed upon request by the AOC.

E. Length of Certification

1. Certification is effective for three years from the certification date indicated on the process server's Identification Card, unless the certification is revoked or suspended as provided by O.C.G.A. § 9-11-4.1(c) and these Rules.
2. All certificates expire at midnight on the expiration date indicated on the process server's Identification Card as provided by Article 9.A of these Rules.

F. Withdrawal

1. A certified process server may withdraw certification instead of allowing certification to lapse, which would otherwise result in suspension for non-renewal. See Article 4C.
2. A certified process server may not request withdrawal of certification if placed under investigation.

ARTICLE 4: Renewal

A. Generally

A certified process server desiring to renew an existing certification must file with any Georgia sheriff an application for renewal, on a form available from the AOC and the GSA, and all other documentation and fees as required on the form. Sheriffs shall accept only complete renewal applications. Acceptance of a renewal application does not grant a process server authority to operate in a county.

B. Inactive Status

1. A certified process server who wishes to cease serving process in Georgia may elect to withdraw certification and become inactive by submitting written notice to the GSA and the certifying sheriff who, in turn, will notify the AOC within 30 days of receipt of the process server's written notice.
2. An inactive certified process server shall not be required to obtain continuing education hours if he or she remains inactive for greater than 26 weeks during a calendar year.
3. An inactive certified process server who wishes to again become an active certified process server in Georgia must:
 - a. Become certified through testing in the manner prescribed by Article 6; and
 - b. Pay a renewal/reactivation fee established within Article 12 of these rules with \$30 of the fee to be disbursed by the certifying sheriff to the GSA.

ARTICLE 5: Training

A. Generally

1. Training, as related to any area in these rules and regulations, refers to the proficiency, competency, and performance of and the impartation of knowledge and understanding of the service of process, the Georgia judiciary, the legal process, and increases the participant's understanding of the responsibilities of a certified private process server and the process server's impact on the judicial process.

B. Approved Training Programs

1. Individuals and entities wishing to administer a training activity shall submit the proposed training activity on the approved form to the coordinator at the AOC for consideration before conducting the activity. Applications submitted after the training activity has been completed or conducted will be rejected.
2. The coordinator will review and approve the pre-certification training curriculum.
3. All pre-certification and continuing education training courses may be provided in either an in-person or online setting.
4. Primary faculty for any proposed pre-certification training activity must be Georgia certified process servers in good standing. Said faculty shall provide proof of the instructor's individual qualifications to provide instruction in the way of curriculum vitae, certificates or any documentation that proves their instructing experience in the subject matter. Individuals or organizations seeking to provide continuing education courses do not need to be certified in Georgia.
5. At a minimum, the proposal shall meet all requirements of these Rules and Regulations and shall include the following:
 - a. Course content, objectives, teaching methods, and the evaluation method;
 - b. Names and qualifications of the faculty, which may be updated by amendment to the original application;
 - c. Written materials for the participants (a copy of the materials shall be included with the proposal);
 - d. Number of CE credits the sponsoring entity is recommending the AOC grant for completion of the activity; and

- e. A statement that the sponsor agrees to assume responsibility for the following:
 - i. Verifying attendance of the participants;
 - ii. Providing a certificate of attendance for each participant who successfully completes the activity;
 - iii. Maintaining registration and attendance documents for a period of three (3) years;
 - iv. Submitting an electronic copy of the following to the GSA:
 - a. Sign In/Attendance log containing the applicants signature; and
 - b. Comprehensive list of all attendees and their corresponding test scores;
 - v. Upon request of the AOC, providing any additional information requested to assist the AOC in evaluating whether to approve the activity or to ensure compliance with this policy;
 - vi. Providing to the AOC amended training materials within 30 days of any changes, amendments to statutes, rules, and regulations affecting the practice of process service in Georgia;
 - vii. Providing the AOC with an affidavit regarding the ownership and proprietorship of the material provided to AOC that will be used in individual pre-certifications or continuing education before certification; and
 - viii. Provide the AOC with changes or amendments to the training materials, curriculum or program in general.
- 6. The AOC reserves the right to request information regarding any pre-certification or continuing education provided for process servers in the State of Georgia. The AOC can, at any time, suspend any pre-certification or continuing education provider should they fail to provide said curricula or information about their individual programs, or should they fail to comply with the coordinator's request within 30 days of the original request.
- 7. The AOC will review each approved training provider every five years after the adoption of these rules for training providers currently licensed at the time of adoption or five years after any new members have been approved as training

providers. The AOC has the discretion to request materials related to the course and any other related information related to the trainers or the program in general or sections in particular.

C. Probationary Status

1. Training providers will be assessed on passage rate of their students. A training provider will be put under probationary status if, for 3 consecutive tests, the rate of passage of their students falls below 70%.
2. The testing rate will be assessed by AOC staff. The rate of passage will be shared with the training provider no later than 60 days after the date of the test that caused the training provider to be put under probationary status.
3. If a training provider is put under probation, the training provider must:
 - a. Update all training material and teaching methods within 3 months of being notified of their probationary status.
 - b. Provide a course of action to bring the passage rate of their students above 70%.
 - c. Fully cooperate with any requests for an update of curriculum and/or training method issued by the AOC.
4. The probationary period will last no less than two years. During that time, the training provider must continue to maintain the rate of passage at 70% or above.
5. Probationary status will be published on the AOC's public website with an explanation as to what this status means.
6. If the training provider fails to bring their passage rate above 70% after their probationary period, their authorization to provide any pre-certification training will be revoked for a period of one year, after which time, they will be able to re-apply as a new applicant

D. Trainer Standards

1. Primary faculty for any proposed training activity must be Georgia certified process servers in good standing.
2. Individuals conducting a training activity should possess experience and expertise in the service of process, legal, and judicial systems. Faculty from other disciplines may

conduct a training activity when their expertise contributes to the goals of a specific program. Training providers shall provide the AOC proof of said experience as required by the Coordinator.

3. The individual or entity that received approval for the training curriculum shall retain a résumé on file for all trainers for a period of three (3) years after the delivery of each training session.
4. The individual or entity that received approval for the training curriculum maintains liability and responsibility for the quality of the training provided.

E. Process Server Applicant Pre-certification Training

1. To submit a complete certification application packet, an applicant must first successfully complete a 12-hour pre-certification training as approved by the AOC.
 2. Upon successful completion of the 12-hour pre-certification training, the applicant will receive a certificate of completion from the instructor.
 3. Pre-certification training curriculum (12 hours) shall include:
 - a. Regulation of process serving (.5 hour): an overview of O.C.G.A. § 9-11-4.1 and these rules
 - b. Ethics and Professionalism (1.5 hours)
 - c. Process Server Liabilities and Responsibilities (1 hour):
 - i. The content of Article 3 of these rules and of O.C.G.A. § 9-11-4.1, including but not limited to, a review of the following topics in detail:
 1. All work shall be performed in a lawful, professional, and ethical manner, and a certified process server shall do all things possible to protect the rights and confidentiality of a client and of any person to whom legal process is directed.
 2. A certified process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.
 3. A certified process server must be a citizen of the United States, at least 18 years of age, and not be a party to the case.
- The process server must not have an interest in the outcome

of the case or be related by blood or marriage to someone who has such an interest.

4. A certified process server shall attempt to perfect service within five days from receipt of a summons and complaint, but if unable to do so, shall engage in diligent efforts to perfect service.
 5. A certified process server must supply and file a proof of service with the court in the county in which the action is pending within five business days of the service date. A certified process server shall not falsify or misrepresent the facts surround the delivery of legal process to any person or entity. The proof of service must be signed in the presence of a notary public and should never be signed in blank.
 6. A certified process server shall display credentials at all times while engaged in service of process and shall report lost or stolen credentials to the certifying county Sheriff's Office within three days of discovery of the loss.
 7. A certified process server shall fulfill all of the criminal background requirements in Article 7.
 8. A certified process server must maintain a commercial surety bond in an amount not less than the amount required by the rules set forth by the Judicial Council.
- d. Constitutional Law and Georgia Law relevant to service of process (6 hours):
 - i. Knowledge and understanding of the applicability of the relevant Georgia code sections. A current list of relevant Georgia code sections shall be maintained by the AOC and shall be available upon request.
 - e. Personal Safety (1 hour)
 - f. Best Practices: Practical Exercises on Process Serving (2 hours)

F. Annual Renewal Training

1. Each certified process server shall complete a minimum of 5 hours of training per calendar year relevant to the performance of duties as a certified process server, including, but not limited to the following:
 - a. Ethics; and
 - b. Updates to the relevant law regarding service of process.
2. Each certified process server shall complete a minimum of 5 hours of training per calendar year subsequent to the year of initial certification.
3. The failure to obtain the requisite annual training shall result in suspension of certificate.
4. The certificate of training issued by the approved vendor shall be submitted to the certifying Sheriff's Office during the month of January, for training received during the preceding calendar year.
5. Approved instructors may receive two (2) hours of pre-certification or renewal credit for each hour of instruction they provide in a course. The hours of instruction should be submitted by the approved vendor in a certificate of training, noting credits for instructional time. This shall not apply whenever application of said credits is not allowed by third-parties.
6. Said training can be received in a classroom setting or online setting, as long as said training is received from a training provider previously authorized by the AOC.

ARTICLE 6: Examination and Testing

A. Certification Examination

1. The AOC shall, from time to time in a time and setting designated by the AOC, provide for an exam to be administered to an applicant, pursuant to a written protocol established by the AOC.
2. The exam shall be designed to test the competency of the applicant as a process server in Georgia by testing the applicant's knowledge of the laws, rules, and regulations governing serving process in Georgia in the following areas and shall reflect the information presented within Article 5.D. and Article 10 of these rules.
 - a. Regulation of Process Serving
 - b. Ethics and Professionalism
 - c. Process server Liabilities and Responsibilities
 - d. Constitutional law and Georgia law relevant to Process Serving
 - e. Personal Safety
 - f. Best Practices: Practical Exercises on Process Serving
3. The AOC may modify exam questions and answers as necessary to ensure consistency with Georgia law, statutes, rules, and regulations and where the substance of the question or answer is not affected. Any substantive changes to exam questions or answers must be made by the AOC in consultation with the GSA at the AOC's discretion.
4. Pre-certification training provider will submit proof of completion at least two weeks before the testing date designated by the AOC. By submitting proof, the training provider acknowledges that the individual who has completed their course has received training as required by these rules.
5. For online pre-certification training outlets: all providers must submit proof of completion of the training program by their attendees on the 1st and 16th day of the month and at least 2 weeks before the testing date as designated by the AOC.

B. Testing

1. For a complete certification application, an applicant must complete an exam successfully as approved by the AOC.

2. Upon successful completion of the exam, the applicant will receive from the tester a certificate of completion.
3. Applicants who fail to achieve a validated score on the exam may not retest for a period of 30 calendar days.
4. Applicants must repeat the 12-hour pre-certification training, at their own expense, should they test three (3) consecutive times and fail to achieve a passing examination score.

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ARTICLE 7: Criminal Background Requirements

A. Criminal Background Check; Fingerprinting

1. As per Article 3.B.2.c. of these Rules, each application to become a certified process server shall contain a criminal background fingerprint check.
2. The applicant shall submit to electronic fingerprinting by the office of the certifying Sheriff no more than two weeks before submission of an application packet to a Georgia Sheriff to ensure current criminal history information is presented.
3. Each Sheriff shall set the cost of obtaining a fingerprint-based criminal history.
4. The applicant shall bear the cost of obtaining the applicant's criminal history.

B. Ongoing Qualifications

1. No certified process server shall be employed who has been convicted of or has entered a plea of guilty or of *nolo contendere*, has a pending first offender or conditional discharge adjudication for, or has a pending charge for, the following:
 - a. A felony;
 - b. Impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - c. A misdemeanor domestic violence;
 - d. A misdemeanor crime of moral turpitude;
 - e. Any traffic offense which may result in a suspension or revocation or a driver's license,.
 - f. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
 - g. Driving Under the Influence under O.C.G.A. § 40-6-391.
2. Each certified process server shall notify in writing the GSA, the certifying Sheriff, and the Sheriff of any county who has issued the process server authorization of the following within three business days:

- a. If the process server is convicted of or enters a plea of guilty or of *nolo contendere* to, has a pending first offender or conditional discharge adjudication for, the following:
 - i. A felony;
 - ii. Impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - iii. A misdemeanor domestic violence;
 - iv. A misdemeanor crime of moral turpitude;
 - v. Any traffic offense which may result in a suspension or revocation or a driver's license,
 - vi. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
- b. Driving Under the Influence under O.C.G.A. § 40-6-391
- c. An outstanding arrest warrant or a pending criminal charge. This includes any traffic offense which may result in a suspension or revocation or a driver's license
- d. Failure to submit notification within three business days of any such event will result in immediate suspension of certification and may result in prosecution if the event violates Georgia's criminal statutes.
- d. Suspension of certification results in the process server's inability to operate as a certified process server in any county within Georgia until the suspension is lifted or the term of suspension expires.

ARTICLE 8: Oath

Upon completion of the certification process, the certifying Sheriff will present each applicant with the following oath. The certifying Sheriff shall retain the original written oath and provide a copy to the certified process server.

"I do solemnly swear (or affirm) that I will conduct myself as a process server truly and honestly, justly and uprightly, and according to law; and that I will support the Constitution of the State of Georgia and the Constitution of the United States. I further swear (or affirm) that I will not serve any papers or process in any action where I have a financial or personal interest in the outcome of the matter or where any person to whom I am related by blood or marriage has such an interest."

CERTIFIED PROCESS SERVER

DATE

SHERIFF

DATE

_____ COUNTY, GEORGIA

ARTICLE 9: Identification Card

A. Identification Card

1. A certified process server shall carry (and prominently display) the Identification Card issued to them by the certifying sheriff at all times when serving process. This Identification Card will serve as the certified process server's credentials as required by O.C.G.A. § 9-11-4.1(h)(2)(i).

Draft

ARTICLE 10: Ethics

A. Generally

A certified process server shall perform services in a manner consistent with legal and ethical standards.

1. A certified process server, having located the sought-after party or persons receiving process for those parties intended for service, shall professionally serve process, utilizing sound judgment and avoiding rudeness and unprofessional conduct.
2. A certified process server shall serve process in an objective, nonjudgmental manner.
3. A certified process server shall not misrepresent the certified process server's qualifications, fees, or any other information relating to the role of the server as a certified process server.
4. A certified process server shall not utilize the position for any purpose other than to gain access to information or services authorized by the applicable statutory, case law, administrative orders, and these Rules.
5. A certified process server shall act in the best interests of the client by maintaining a high standard of work and reporting to the client the full facts determined as a result of the work and effort expended, whether they are advantageous or detrimental to the client.
6. A certified process server shall file an affidavit of service or certificate of service promptly or return the unserved documents.

B. Compliance with Rules and Applicable Laws

Certified process servers shall perform all services and discharge all obligations in accordance with current Georgia and federal law, Georgia rules of civil procedure, administrative orders, and these Rules.

C. Professionalism

Certified process servers shall exercise the highest degree of professionalism in all interactions with clients, the party located, and others they come into contact with during

the service. Certified process servers shall utilize professional judgment and discretion at all times.

1. A certified process server shall handle all legal documents with care and maintain required records in a professional manner.
2. A certified process server may act as a mentor to assist an inexperienced certified process server to increase skill level and successful service of process.
3. A certified process server shall not provide or offer legal advice.
4. Certified process servers shall not violate any rules adopted by the Judicial Council, or conduct themselves in a manner that would reflect adversely on the Judicial Council, the judiciary, law enforcement, or other agencies involved in the administration of justice.
5. A certified process server shall respect the confidentiality of information and shall preserve the confidences of all parties before, during, and following the formal relationship with the client.
6. A certified process server shall maintain a professional appearance at all times.
7. A certified process server shall be courteous and polite in all dealings and shall abstain from using profanity or vulgarity in contact with others.
8. A certified process server shall never attempt to decide the merits of a lawsuit. A certified process server shall never engage in discussions regarding the action being taken with the persons being served except those discussions necessary for the certified process server to successfully, professionally serve process on the party.
9. A certified process server shall know the protocol in a court building before proceeding with service and shall take appropriate steps to avoid impairing security or creating a security issue in a court building.

D. Skills and Knowledge

Certified process servers shall demonstrate adequate skills and knowledge to perform the work of a private process server, and shall seek training opportunities to maintain professional competency and growth.

1. A certified process server has an obligation to have knowledge and keep informed of all current and applicable laws regarding the service of process in Georgia.

2. A certified process server has a responsibility to maintain a working knowledge of proper method of service of process.
3. A certified process server shall possess the necessary verbal and written communication skills sufficient to perform the private process server role.
4. A certified process server shall manage service proficiently, including skills necessary to be a competent process server, which skills include, but are not limited to those necessary to serve process, maintain records, and communicate with clients in a timely manner.
5. A certified process server shall keep clients, court personnel, and other relevant public officers reasonably informed about the status of the service and promptly comply with reasonable requests.
6. A certified process server shall ensure all affidavits and certificates prepared by the certified process server are complete, accurate, understandable, and are filed with the court in a timely manner.

A. Article 11: Complaints Against a Certified Process Server

Complaints against process servers are governed by O.C.G.A. § 9-11-4.1(c), which is incorporated here by reference.

Draft

ARTICLE 12: Fee Schedule

- A. Georgia Certified Process server (GCPS) Application Fee: \$80
- B. GCPS Certification Renewal Fee: \$80
- C. GCPS Reinstatement Fee: \$80
- D. Pre-certification and Continuing Education Fee: \$15 per credit hour
- E. GCPS Test Administration Fee: \$250 for the first test administration; if an applicant applies to re-take the test a second time within six months, the second test administration fee shall be \$125.
- F. GCPS Identification Card and Replacement Fee: \$15
- G. Fingerprint processing fee: set by each Sheriff

RULES AND REGULATIONS

GEORGIA

CERTIFIED PROCESS SERVER PROGRAM



Administrative Office of the Courts
244 Washington Street SW, Suite 300
Atlanta, GA 30334
Effective Date: January 1, 2019~~8~~ → Proposed Revisions

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ARTICLE 1: Purpose

To improve the standards of practice for private service of process and to provide a list of persons eligible to serve process in courts statewide, the Georgia General Assembly amended O.C.G.A. § 9-11-4.1,; to grant authority for civil process to be served in Georgia by persons deemed by sheriffs of any county in Georgia to have met the criteria to be certified to serve process in addition to sheriffs, marshals, and permanent process servers. The Judicial Council of Georgia promulgates these rules to implement and explain specific procedures regarding Certified Process servers in Georgia.

~~AOC WORKING DRAFT~~
~~(INTERNAL)~~
~~NOT TO BE DISTRIBUTED~~
~~TO THE PUBLIC OR TO ANY~~
~~THIRD PARTIES.~~

ARTICLE 2: General Provisions

A. Legal Authority

O.C.G.A. § 9-11-4.1(a) authorizes the Judicial Council of Georgia to promulgate rules and regulations regarding certified process servers in Georgia by requiring all those desiring to become certified process servers in Georgia to comply with O.C.G.A. § 9-11-4.1 “and any procedures and requirements set forth in any rules or regulations promulgated by the Judicial Council of Georgia regarding this Code section.”

B. Location of Offices

The address of the principal office of both the Judicial Council of Georgia and the Administrative Office of the Courts of Georgia is: 244 Washington Street SW, Suite 300; Atlanta, Georgia 30334-5900. The address of the principal office of the Georgia Sheriffs' Association, Inc. is: 3000 Highway 42 N; Stockbridge, GA 30281.

C. Definitions

For the purpose of these rules:

1. “*Council*” means the Judicial Council of Georgia;
2. “*AOC*” means the Administrative Office of the Courts of Georgia;
3. “*GSA*” means the Georgia Sheriffs' Association, Inc.;
4. “*GCPS*” means Georgia Certified Process Server;
5. “*Coordinator*” means the ~~P~~program Coordinator ~~or program manager~~ of the Georgia Certified Process Server program; ~~and~~
6. “*Exam*” means the Georgia Certified Process Server Examination; ~~;~~
7. “*Identification Card*” means the non-law enforcement credentials issued to Certified Process servers by the certifying Sheriff; ~~and~~;
8. “*GCR*” means the Georgia Courts Registry, the website to be used by individuals seeking certification and registering for testing.

D. Administration

1. The ~~D~~irector of the AOC will be the Program Coordinator. Through the ~~D~~irector, his or her ~~designated-coordinator~~designee shall assist the Judicial Council in ~~its~~ promulgating~~on~~—of rules and regulations, approving~~al~~—of training and testing programs, and coordinating~~on~~ with the GSA and others involved in the certification process.

E. Effect of these Rules on Persons Authorized to Serve Process by Other Law

These rules pertain to only process servers certified pursuant to O.C.G.A. § 9-11-4.1(a).

ARTICLE 3: Certification

A. General Requirements

1. To be a certified process server in Georgia, an individual must:
 - a. Be at least 18 years of age; ~~and~~
 - b. Be a citizen of the United States; ~~a repatriated or naturalized citizen of the United States as of the date employment commences as evidenced by a certified copy of applicant's birth certificate or Certificate of Naturalization (N-550); and~~
 - c. Not have been convicted of or entered a plea of guilty or of *nolo contendere* to, have a pending first offender or conditional discharge adjudication for, or have a pending charge for, the following:
 - i. A felony;
 - ii. ~~A charge of i~~Impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - iii. ~~A m~~Misdemeanor domestic violence;
 - iv. ~~A m~~Misdemeanor crime of moral turpitude;
 - v. Any traffic offense which may result in a suspension or revocation or a driver's license; ~~but this does not include minor traffic offenses.;~~
 - vi. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
 - vii. ~~A conviction under O.C.G.A. § 40-6-391 for~~ Driving Under the Influence under O.C.G.A. § 40-6-391.

B. Application

1. A person seeking certification must file with the sheriff of any county in Georgia a completed, sworn GCPs application packet.
2. For an application packet to be complete, it must contain the following:
 - a. A complete GCPs application;
 - b. Documented proof of citizenship;~~A certified copy of applicant's birth certificate;~~

- c. Results of a fingerprint-based criminal background check conducted in accordance with Article 7 of these Rules;
 - d. A certificate of successful completion of pre-certification training, given to the applicant by any approved training provider, as detailed in Article 5.E of these Rules;
 - e. A certificate of successful completion of the GCPS Exam as detailed in Article 6 of these Rules;
 - f. A surety bond substantially in the form of Appendix A, or a commercial insurance binder demonstrating that applicant has obtained, and maintains a policy of liability insurance in the amount of at least \$25,000 as required by O.C.G.A. § 9-11-4.1(b)(1)(D) to protect members of the public and persons employing the certified process server against any damage arising from any actionable misconduct, error, or omission on the part of the applicant while acting as a certified process server;
 - g. An \$80 application fee in the form of money order or cashier's check made payable to the Sheriff's office that receives the application; and
 - h. Other fees that the Council may establish from time to time.
- 3. Sheriffs shall accept only complete certification application packets. Acceptance of a certification application packet does not grant a process server authority to operate in a county.
 - 4. All applicants and certified process servers must, at least annually, log into their GCR accounts to update their contact information and communicate with AOC staff whenever appropriate and/or needed.

C. Application Review; Rejection; Approval; Identification Card; Oath; List

- 1. Complete certification application packets shall be reviewed and either approved or rejected for cause by the receiving sheriff within 15 business days of their receipt. If the receiving sheriff rejects a certification application, the sheriff shall issue a written response showing grounds as to why the application was rejected and shall issue the response to the applicant and file it with the GSA.

2. When the receiving sheriff approves an application, an Identification Card shall be issued to the applicant, who, upon receipt of the Identification Card and writing of the Oath as specified in Article 8, will be a certified process server in Georgia.
3. An applicant may appeal the receiving sheriff's decision as provided for in Article 11.A. of these Rules.

D. List of Certified Process servers

In accordance with OCGA § 9-11-4.1(e), the GSA shall maintain a registry of all certified process servers in Georgia. GSA will share this list with the AOC by the beginning of every calendar year in electronic format or as needed upon request by the AOC.

E. Length of Certification

1. Certification is effective for three years from the certification date indicated on the process server's Identification Card, unless the certification is revoked or suspended as provided by O.C.G.A. § 9-11-4.1(c) and these Rules.
2. All certificates expire at midnight on the expiration date indicated on the process server's Identification Card as provided by Article 9.A of these Rules.

F. Withdrawal

1. A certified process server may withdraw certification ~~instead~~ⁱⁿ ~~lieu~~^{lieu} of allowing certification to lapse, which would otherwise result in suspension for non-renewal. See Article 4C.
2. A certified process server may not request withdrawal of certification if placed under investigation.

ARTICLE 4: Renewal

A. Generally

A certified process server desiring to renew an existing certification must file with any Georgia sheriff an application for renewal, on a form available from the AOC and the GSA, and all other documentation and fees as required on the form. Sheriffs shall accept only complete renewal applications. Acceptance of a renewal application does not grant a process server authority to operate in a county.

B. Inactive Status

1. A certified process server who wishes to cease serving process in Georgia may elect to withdraw certification and become inactive by submitting written notice to the GSA and the certifying sheriff who, in turn, will notify the AOC within 30 days of receipt of the process server's written notice.
2. An inactive certified process server shall not be required to obtain continuing education hours if he or she remains inactive for greater than 26 weeks during a calendar year.
3. An inactive certified process server who wishes to again become an active certified process server in Georgia must:
 - a. Become certified through testing in the manner prescribed by Article 6; and
 - b. Pay a renewal~~/~~+reactivation fee established within Article 12 of these rules with \$30 of the fee to be disbursed by the certifying sheriff to the GSA.

ARTICLE 5: Training

A. Generally

1. Training, as related to any area in these rules and regulations, refers to the proficiency, competency, and performance of and the impartation of knowledge and understanding of the service of process, the Georgia judiciary, the legal process, and increases the participant's understanding of the responsibilities of a certified private process server and the process server's impact on the judicial process.

B. Approved Training Programs

1. Individuals and entities wishing to administer a training activity shall submit the proposed training activity on the approved form to the coordinator at the AOC for consideration ~~before~~[prior to](#) conducting the activity. Applications submitted after the training activity has been completed or conducted will be rejected.
2. The coordinator will review and approve [the](#) pre-certification training curriculum.
3. All pre-certification and continuing education training courses may be provided in either an in-person or online setting.
4. Primary faculty for any proposed pre-certification training activity must be Georgia certified process servers in good standing. Said faculty shall provide proof of the instructor's individual qualifications to provide instruction in the way of curriculum vitae, certificates or any documentation that proves their instructing experience in the subject matter. Individuals or organizations seeking to provide continuing education courses do not need to be certified in Georgia.
5. At a minimum, the proposal shall meet all requirements of these Rules and Regulations and shall include the following:
 - a. Course content, objectives, teaching methods, and the evaluation method;
 - b. Names and qualifications of the faculty, which may be updated by amendment to the original application;
 - c. Written materials for the participants (a copy of the materials shall be included with the proposal);
 - d. Number of CE credits the sponsoring entity is recommending the AOC grant for completion of the activity; and

- e. A statement that the sponsor agrees to assume responsibility for the following:
 - i. Verifying attendance of the participants;
 - ii. Providing a certificate of attendance for each participant who successfully completes the activity; ~~and~~
 - iii. Maintaining registration and attendance documents for a period of three (3) years; ~~;~~
 - iv. Submitting an electronic copy of the following to the GSA:
 - a. Sign In/Attendance log containing the applicants signature; and
 - b. Comprehensive list of all attendees and their corresponding test scores; ~~;~~
 - v. Upon request of the AOC, providing any additional information requested to assist the AOC in evaluating whether to approve the activity or to ensure compliance with this policy; ~~;~~
 - vi. Providing to the AOC amended training materials within 30 days of any changes, amendments to statutes, rules, and regulations affecting the practice of process service in Georgia; ~~;~~
 - vii. Providing the AOC with an affidavit regarding the ownership and proprietorship of the material provided to AOC that will be used in individual pre-certifications or continuing education ~~before prior to~~ certification; ~~and~~;
 - viii. Provide the AOC with changes ~~or to~~ amendments to the training materials, curriculum or program in general.
- 6. The AOC reserves the right to request information regarding any pre-certification or continuing education provided for process servers in the State of Georgia. The AOC can, at any time, suspend any pre-certification or continuing education provider should they fail to provide said curricula or information about their individual programs, or should they fail to comply with the coordinator's request within 30 days of the original request.
- 7. The AOC will review ~~all each~~ approved training providers ~~s~~ every five years after the adoption of these rules for training providers currently licensed at the time of adoption; ~~;~~ or five years after any new members have been approved as training

providers. The AOC has the discretion to request materials related to the course and any other related information related to the trainers or the program in general or sections in particular.

C. Probationary Status

1. Training providers will be assessed on passage rate of their students. A training provider will be put under probationary status if, for 3 consecutive tests, the rate of passage of their students falls below 70%.
2. The testing rate will be assessed by AOC staff. [The r](#)Rate of passage will be shared with the training provider no later than 60 days after the date of the test that caused the training provider to be put under probationary status.
3. If a training provider is put under probation, the training provider must:
 - a. Update all training material and teaching methods within 3 months of being notified of their probationary status.
 - b. Provide a course of action to bring the passage rate of their students above 70%.
 - c. Fully cooperate with any requests for [an](#) update of curriculum and/or training method issued by the AOC.
4. [The p](#)Probationary period will last no less than two years. During that time, the training provider must continue to maintain the rate of passage at 70% or above.
5. Probationary status will be published on the AOC's public website with an explanation as to what this status means.
6. If the training provider fails to bring their passage rate above 70% after their probationary period, their authorization to provide any pre-certification training will be revoked for a period of one year, ~~time~~ after which [time](#), they will be able to re-apply as a new applicant

D. Trainer Standards

1. Primary faculty for any proposed training activity must be Georgia certified process servers in good standing.
2. Individuals conducting a training activity should possess experience and expertise in the service of process, legal, and judicial systems. Faculty from other disciplines may

conduct a training activity when their expertise ~~contributes~~will contribute to the goals of a specific program. Training providers shall provide the AOC proof of said experience as required by the Coordinator.

3. The individual or entity that received approval for the training curriculum shall retain a résumé on file for all trainers for a period of three (3) years after the delivery of each training session.
4. The individual or entity that received approval for the training curriculum maintains liability and responsibility for the quality of the training provided.

E. Process Server Applicant Pre-certification Training

1. To submit a complete certification application packet, an applicant must first successfully complete a 12-hour pre-certification training as approved by the AOC.
2. Upon successful completion of the 12-hour pre-certification training, the applicant will receive a certificate of completion from the instructor.
3. Pre-certification training curriculum (12 hours) shall include:
 - a. Regulation of process serving (.5 hour): an overview of O.C.G.A. § 9-11-4.1 and these rules
 - b. Ethics and Professionalism (1.5 hours)
 - c. Process Server Liabilities and Responsibilities (1 hour):

i. The content of Article 3 of these rules and of O.C.G.A. § 9-11-4.1, including but not limited to, a review of the following topics in detail:

i.1. All work shall be performed in a lawful, professional, and ethical manner, and a certified process server shall do all things possible to protect the rights and confidentiality of a client and of any person to whom legal process is directed.

ii.2. A certified process server shall maintain high personal standards that do not impugn upon the reputation of the process service profession.

iii.3. A certified process server must be a citizen of the United States, at least 18 years of age, and not be a party to the case. The process server must not have an interest in the outcome

of the case or be related by blood or marriage to someone who has such an interest.

~~iv.~~4. A certified process server shall attempt to perfect service within five days from receipt of a summons and complaint, but if unable to do so, shall engage in diligent efforts to perfect service.

~~v.~~5. A certified process server must supply and file a proof of service with the court in the county in which the action is pending within five business days of the service date. A certified process server shall not falsify or misrepresent the facts surround the delivery of legal process to any person or entity. The proof of service must be signed in the presence of a notary public and should never be signed in blank.

~~vi.~~6. A certified process server shall display credentials at all times while engaged in service of process and shall report lost or stolen credentials to the certifying county Sheriff's Office within three days of discovery of the loss.

~~vii.~~7. A certified process server shall fulfill all of the criminal background requirements in Article 7.

~~viii.~~8. A certified process server must maintain a commercial surety bond in an amount not less than the amount required by the rules set forth by the Judicial Council.

- d. Constitutional Law and Georgia Law relevant to service of process (6 hours):
 - i. Knowledge and understanding of [the](#) applicability of the relevant Georgia code sections. A current list of relevant Georgia code sections shall be maintained by the AOC and shall be available upon request.
- e. Personal Safety (1 hour)
- f. Best Practices: Practical Exercises on Process Serving (2 hours)

F. Annual Renewal Training

1. Each certified process server shall complete a minimum of 5 hours of training per calendar year relevant to the performance of duties as a certified process server, including, but not limited to the following:
 - a. Ethics; and
 - b. Updates to [the](#) relevant law regarding service of process.
2. Each certified process server shall complete a minimum of 5 hours of training per calendar year subsequent to the year of initial certification.
3. The failure to obtain the requisite annual training shall result in suspension of certificate.
4. The certificate of training issued by the approved vendor shall be submitted to the certifying Sheriff's Office during the month of January, for training received during the preceding calendar year.
5. Approved instructors may receive two (2) hours of pre-certification or renewal credit for each hour of instruction they provide in a course. The hours of instruction should be submitted by the approved vendor in a certificate of training, noting credits for instructional time. This shall not apply whenever application of said credits is not allowed by third-parties.
6. Said training can be received in a classroom setting or online setting, as long as said training is received from a training provider previously authorized by the AOC.

ARTICLE 6: Examination and Testing

A. Certification Examination

1. The AOC shall, from time to time in a time and setting designated by the AOC, provide for an exam to be administered to an applicant, pursuant to a written protocol established by the AOC.
2. The exam shall be designed to test the competency of the applicant as a process server in Georgia by testing the applicant's knowledge of the laws, rules, and regulations governing serving process in Georgia in the following areas and shall reflect the information presented within Article 5.D. and Article 10 of these rules.
 - a. Regulation of Process Serving
 - b. Ethics and Professionalism
 - c. Process server Liabilities and Responsibilities
 - d. Constitutional law and Georgia law relevant to Process Serving
 - e. Personal Safety
 - f. Best Practices: Practical Exercises on Process Serving
3. The AOC may modify exam questions and answers as necessary to ensure consistency with Georgia law, statutes, rules, and regulations and where the substance of the question or answer is not affected. Any substantive changes to exam questions or answers must be made by the AOC in consultation with the GSA at the AOC's discretion.
4. Pre-certification training provider will submit proof of completion at least two weeks before the testing date designated by the AOC. By submitting proof, the training provider acknowledges that the individual who has completed their course has received training as required by these rules.
5. For online pre-certification training outlets: all providers must submit proof of completion of the training program by their attendees on the 1st and 16th day of the month and at least 2 weeks before the testing date as designated by the AOC.

B. Testing

1. For a complete certification application, an applicant must complete [an exam successfully](#)~~successfully an exam~~ as approved by the AOC.

2. Upon successful completion of the exam, [the](#) applicant will receive from the tester a certificate of completion.
3. Applicants who fail to achieve a validated score on the exam may not retest for a period of 30 calendar days.
4. Applicants must repeat the 12-hour pre-certification training, at their own expense, should they test three (3) consecutive times and fail to achieve a passing examination score.

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ARTICLE 7: Criminal Background Requirements

A. Criminal Background Check; Fingerprinting

1. As per Article 3.B.2.c. of these Rules, each application to become a certified process server shall contain a criminal background fingerprint check.
2. The applicant shall submit to electronic fingerprinting by the office of the certifying Sheriff no more than two weeks ~~before~~prior to submission of an application packet to a Georgia Sheriff to ensure current criminal history information is presented.
3. Each Sheriff shall set the cost of obtaining a fingerprint-based criminal history.
4. The applicant shall bear the cost of obtaining the applicant's criminal history.

B. Ongoing Qualifications

1. No certified process server shall be employed who has been convicted of or has entered a plea of guilty or of *nolo contendere*, has a pending first offender or conditional discharge adjudication for, or has a pending charge for, the following:
 - a. A felony;
 - b. ~~A charge of~~ impersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - c. ~~A m~~Misdemeanor domestic violence;
 - d. ~~A m~~Misdemeanor crime of moral turpitude;
 - e. Any traffic offense which may result in a suspension or revocation or a driver's license, ~~but this does not include minor traffic offenses.~~
 - f. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
 - g. ~~A conviction under O.C.G.A. § 40-6-391 for~~ Driving Under the Influence under O.C.G.A. § 40-6-391.
2. Each certified process server shall notify in writing the GSA, the certifying Sheriff, and the Sheriff of any county who has issued the process server authorization of the following within three business days:

- a. If the process server is convicted of or enters a plea of guilty or of *nolo contendere* to, has a pending first offender or conditional discharge adjudication for, the following:
- i. A felony;
 - ii. ~~A charge of i~~mpersonating a peace officer or other public employee under O.C.G.A. § 16-10-23;
 - iii. ~~A m~~Misdemeanor domestic violence;
 - iv. ~~A m~~Misdemeanor crime of moral turpitude;
 - v. Any traffic offense which may result in a suspension or revocation or a driver's license, ~~but this does not include minor traffic offenses.~~
 - vi. A serious traffic offense as defined by Article 15 of Chapter 6 of Title 40, located at O.C.G.A. § 40-6-390 et seq.; or
- b. ~~A conviction under O.C.G.A. § 40-6-391 for~~ Driving Under the Influence under O.C.G.A. § 40-6-391
- vii. —
- viii. —
- b.c. An outstanding arrest warrant or a pending criminal charge. This includes any traffic offense which may result in a suspension oen or revocation or a driver's license, ~~but does not include minor traffic offenses.~~
- c.d. Failure to submit notification within three business days of any such event will result in immediate suspension of certification and may result in prosecution if the event violates Georgia's criminal statutes.
- d. Suspension of certification results in the process server's inability to operate as a certified process server in any county within Georgia until the suspension is lifted or the term of suspension expires.

ARTICLE 8: Oath

Upon completion of the certification process, the certifying Sheriff will present each applicant with the following oath. The certifying Sheriff shall retain the original written oath and provide a copy to the certified process server.

"I do solemnly swear (or affirm) that I will conduct myself as a process server truly and honestly, justly and uprightly, and according to law; and that I will support the Constitution of the State of Georgia and the Constitution of the United States. I further swear (or affirm) that I will not serve any papers or process in any action where I have a financial or personal interest in the outcome of the matter or where any person to whom I am related by blood or marriage has such an interest."

CERTIFIED PROCESS SERVER

DATE

SHERIFF

DATE

_____ COUNTY, GEORGIA

ARTICLE 9: ~~Certified Process Server Conduct~~ Identification Card

A. Identification Card

1. A certified process server shall carry (and prominently display) the Identification Card issued to them by the certifying sheriff at all times when serving process. This Identification Card will serve as the certified process server's credentials as required by O.C.G.A. § 9-11-4.1(h)(2)(i).

~~B.A. Complaints Against a Certified Process Server~~

~~Individuals may file a complaint after exhausting all other remedies, including but not limited to, contacting the Sheriff from the county in question, filing a complaint with the Superior Court that has jurisdiction over the county in which the party was served, or with GSA.~~

ARTICLE 10: Ethics

A. Generally

A certified process server shall perform services in a manner consistent with legal and ethical standards.

1. A certified process server, having located the sought-after party or persons receiving process for those parties intended for service, shall ~~professionally serve process~~
~~process in a professional manner~~, utilizing sound judgment and avoiding rudeness and unprofessional conduct.
2. A certified process server shall serve process in an objective, nonjudgmental manner.
3. A certified process server shall not misrepresent the certified process server's qualifications, fees, or any other information relating to the role of the server as a certified process server.
4. A certified process server shall not utilize the position for any purpose other than to gain access to information or services authorized by the applicable statutory, case law, administrative orders, and these Rules.
5. A certified process server shall act in the best interests of the client by maintaining a high standard of work and reporting to the client the full facts determined as a result of the work and effort expended, whether they are advantageous or detrimental to the client.
6. A certified process server shall file ~~an affidavit of service or certificate of service~~
~~promptly~~~~promptly an affidavit of service or certificate of service~~ or return the unserved documents.

B. Compliance with Rules and Applicable Laws

Certified process servers shall perform all services and discharge all obligations in accordance with current Georgia and federal law, Georgia rules of civil procedure, administrative orders, and these Rules.

C. Professionalism

Certified process servers shall exercise the highest degree of professionalism in all interactions with clients, the party located, and others they come into contact with during the service. Certified process servers shall utilize professional judgment and discretion at all times.

1. A certified process server shall handle all legal documents with care and maintain required records in a professional manner.
2. A certified process server may act as a mentor to assist an inexperienced certified process server to increase skill level and successful service of process.
3. A certified process server shall not provide or offer legal advice.
4. Certified process servers shall not violate any rules adopted by the Judicial Council, or conduct themselves in a manner that would reflect adversely on the Judicial Council, the judiciary, law enforcement, or other agencies involved in the administration of justice.
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9. A certified process server shall know the protocol in a court building before proceeding with service and shall take appropriate steps to avoid impairing security or creating a security issue in a court building.

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Certified process servers shall demonstrate adequate skills and knowledge to perform the work of a private process server, and shall seek training opportunities to maintain professional competency and growth.

1. A certified process server has an obligation to have knowledge and keep informed of all current and applicable laws regarding the service of process in Georgia.
2. A certified process server has a responsibility to maintain a working knowledge of proper method of service of process.
3. A certified process server shall possess the necessary verbal and written communication skills sufficient to perform the private process server role.
4. A certified process server shall manage service proficiently, including skills necessary to be a competent process server, which skills include, but are not limited to those necessary to serve process, maintain records, and communicate with clients in a timely manner.
5. A certified process server shall keep clients, court personnel, and other relevant public officers reasonably informed about the status of the service and promptly comply with reasonable requests.
6. A certified process server shall ensure all affidavits and certificates prepared by the certified process server are complete, accurate, understandable, and are filed with the court in a timely manner.

Article 11: Complaints Against a Certified Process Server

A. Complaints Against a Certified Process Server

Individuals may file a complaint after exhausting all other remedies, including but not limited to, contacting the Sheriff from the county in question, filing a complaint with the Superior Court that has jurisdiction over the county in which the party was served, or with GSA. Complaints against process servers are governed by O.C.G.A. § 9-11-4.1(c), which is incorporated here by reference.

Draft

ARTICLE 12: Fee Schedule

- A. Georgia Certified Process server (GCPS) Application Fee: \$80
- B. GCPS Certification Renewal Fee: \$80
- C. GCPS Reinstatement Fee: \$80
- D. Pre-certification and Continuing Education Fee: \$15 per credit hour
- E. GCPS Test Administration Fee: \$250 for the first test administration; if an applicant applies to re-take the test a second time within six months, the second test administration fee shall be \$125.
- F. GCPS Identification Card and Replacement Fee: \$15
- G. Fingerprint processing fee: set by each Sheriff



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council Members

FROM: Presiding Justice Harold D. Melton, Chair *HDM*

RE: Committee Report - Judicial Council Standing Committee on Technology

DATE: July 18, 2018

The Judicial Council Standing Committee on Technology met on Thursday, May 10, 2018 and Friday, June 29, 2018. The following report reflects matters and topics discussed during those meetings.

Portal Sub-Committee – Mr. Jorge Basto, Subcommittee Chair

Mr. Basto provided updates to the committee on the single sign-on portal at both meetings. Some progress that has been made on the portal such as different avenues by which to access information. Per the request of the Committee, efforts have been made to make the portal more visible and accessible to the public on the Judicial Council's website. The Committee made some suggestions as to how the portal could be stylistically improved and made more user friendly, and measures are being undertaken to ensure those goals are achieved.

Standards Committee/Criminal Justice E-Filing Project (CJEP) – Judge David Emerson, Chair

During the March meeting Mr. Joe Hood provided an update to the Committee indicating that the number of participating counties may not reflect previous projections due to budgetary concerns and issues related to rollout of the program.

Rules Committee – Judge Diane Bessen

The Committee determined that due to the passage of SB 407 a dedicated subcommittee needed to be created to handle the directives place upon the Judicial Council as it pertains to rulemaking for civil e-filing in Georgia. Presiding Justice Melton charged Judge Jim Altman with chairing the E-Filing Rules Subcommittee.

The Subcommittee held its first meeting via phone conference on Tuesday, July 17, 2018 and discussed topics pertaining to e-filing such as "original" documents in electronic form, sealed documents, signature authentication, and transfers of court documents.

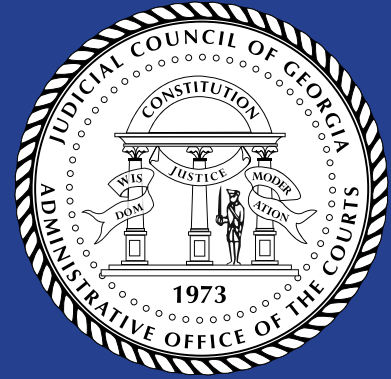
The Subcommittee will meet again on Friday, August 17, 2018 to update the other members on the progress on specific topics. The Subcommittee hopes to have some updates on basic rules comporting with the e-filing legislation to present to Technology Committee at its September 13, 2018 meeting.

Next Meeting

The next committee meeting is scheduled for September 13, 2018 in Atlanta.

Report of the Judicial Council Ad Hoc Committee on Misdemeanor Bail Reform

Hon. Wayne M. Purdom
Committee Chair



[O]ur present attitudes toward bail are not only cruel but really completely illogical. What has been demonstrated here is that usually only one factor determines whether a defendant stays in jail before he comes to trial. That factor is not guilt or innocence. It is not the nature of the crime. It is not the character of the defendant. That factor is simply money. How much money does the defendant have?"

*Attorney General Robert F. Kennedy
1964 National Conference on Bail and Criminal Justice*

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Executive Summary

Research and Background Information

Current Federal Litigation and Georgia Law

O.C.G.A. § 17-6-1(b)(1) gives defendants a statutory right to an initial bond in all misdemeanor cases, but there is little authority as to what that means in setting the amount of a secured bond. Recent important federal authority, particularly *O'Donnell v. Harris County*, hold that the procedure for setting misdemeanor bonds is subject to heightened, intermediate scrutiny. The State must show a “link between financial conditions of release and appearance at trial or law-abiding behavior before trial.” Examining the evidence presented, the Court found that the State in *O'Donnell* had failed to meet this burden. The Fifth Circuit laid out requirements for the review of defendants’ financial condition within 48 hours with a hearing and factual findings if continuing a secured bond.

In Georgia, *Walker v. City of Calhoun* (N. Dis. Ga. Civil Action No.: 4:15-CV-0170-HLM) also subjected money bonds to intermediate scrutiny. The current district court order requires the court to evaluate the financial circumstances of arrestees within 24 hours of arrest. Currently, this case is before the 11th Circuit for review of the District Court’s preliminary injunction. Similar litigation has been conducted or is pending in many jurisdictions.

Research on Bail Practices

The Committee received technical assistance from the Pretrial Justice Institute, heard presentations from Professor Lauren Lucas, Georgia State College of Law, and Professor Sandra Mayson, University of Georgia Law School. Professor Mayson’s study of Harris County’s bail practices was of particular interest to the Committee because of its large and rich data base and the fact that it has been found authoritative in federal court. It also presented an opportunity to conduct

a natural experiment in addition to standard statistical analysis on Houston’s bail practices. One key finding was that the negative consequences of a short term pretrial incarceration could be severe. Jail stays as short as two to three days resulted in a significant increase in the likelihood of a new charge while the initial case was pending and also in an increased likelihood of recidivism after the initial case was adjudicated. Research shows that short periods of pretrial incarceration also actually increase the likelihood of a failure to appear for a low risk defendant.

Defendants who are detained pretrial often receive much harsher sentences than those who are released. Research reviewed by the Committee consistently showed that detained defendants classified as low or medium risk, as well as detained misdemeanor defendants generally, were much more likely to receive a jail sentence than those who were released. In addition to harsher sentences, misdemeanor defendants who were incarcerated pretrial pleaded guilty at a substantially higher rate than those who were released.

The research reviewed by the Committee showed that many of these negative outcomes due to pretrial detention have a disproportionate effect on people of color. Despite all the negative outcomes associated with pretrial detention, the Committee found the use of secured bonds had no statistically significant difference in arrestees’ court appearance rate or public safety rate. While the Committee found it difficult to find precise numbers on the cost of pretrial incarceration in Georgia, it is clear that jail costs for defendants detained pretrial represent a significant expense to local governments. Furthermore, jail costs do not include the indirect costs of pretrial detention in the form of greater recidivism.

National Bail Reform Efforts

The past four years have seen a significant expansion of bail reform efforts across the country. Policy papers from the Conference of State Court Administrators, supported by the Conference of Chief Justices, endorsed the use of evidence based risk assessments. In addition to Georgia's efforts in bail reform, four other states have recently reformed their bail laws; several other states have appointed task forces to do

the same. Of particular note is the state of New Jersey. New Jersey conducted a major reform of its bail laws, and went so far as to mandate the use of pretrial risk assessments for all levels of crimes. Judge Glenn Grant, Director, New Jersey Administrative Office of the Courts, spoke with the Committee via video conference, about the political challenge of his state's reform efforts as well as the issues involved in the adoption of a pretrial risk assessment tool.

Stakeholder Recommendations

The Committee heard presentation from several stakeholders. Groups from the law enforcement community, social justice groups, the bail bonding industry, and local government associations all voiced their thoughts and concerns on bail reform.

Many groups voiced support for the increased use of citations for lower level offenses; however, there was no consensus as to which offenses

should be eligible for citation in lieu of arrest. There was also concern from law enforcement groups regarding identity theft.

Risk assessment tools were controversial for many of the stakeholder groups. Some groups were concerned about pre-existing biases in risk assessment tools, while other groups had concerns about risk assessment tools usurping judicial discretion.

Findings & Recommendations

The Committee made several recommendations in its interim report. Many of these recommendations were submitted to the Criminal Justice Reform Council with the intention that these rec-

ommendations become part of the Reform Council's legislative package. Other recommendations were created to set out a number of best practices courts could adopt in setting bail.

Ability-to-Pay Determination

The Committee recommended a statutory requirement for courts to consider financial circumstances in setting bail, and that courts conduct an ability-to-pay hearing within 24 hours of arrest. These recommendations were accepted by the

Reform Council, and were included in the Council's reform bill, SB 407 (2018). However, the bill did not include a set time for an ability-to-pay hearing, only stating that the hearing must take place, "as soon as possible."

Ability-to-Pay Determination

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Citations in Lieu of Arrest

The Committee recommended the increased use of citations by police officers on certain low-level misdemeanors. To that end, the Committee also recommended that the Judicial Council develop a uniform misdemeanor citation form for low level misdemeanors. While there was general agreement among stakeholders that the increased use of citations for low level misdemeanors would have a net positive effect, there was no consensus over which misdemeanors would be eligible for citations, and there were concerns over identification of defendants, particularly repeat offenders, by members of the law enforcement community.

Ultimately, this recommendation was accepted, but only as it applied to O.C.G.A. § 16-7-21, Criminal Trespass; O.C.G.A. § 16-8-14, Theft by Shoplifting; O.C.G.A. § 16-8-14.1 Theft by Refund Fraud; and O.C.G.A. § 16-13-30, misdemeanor drug offenses. SB 407 also created a requirement that persons issued a citation for non-traffic misdemeanors be fingerprinted before they are released which could eliminate the advantage of citations in allowing efficient use of law enforcement's time.

Alternatives to Monetary Bond

The Committee recommended several measures to give courts alternatives to monetary bonds in misdemeanor cases. Permitting a court to release a defendant on a non-monetary bond for charges that do not authorize jail time and creating a statutory provision to authorize unsecured bonds were two of the Committee's recommendations. The Committee also recommended the creation of a body to study the use of statutory authorized alternatives to monetary bond. None of the above recommendations were included in SB 407.

Individualizing Bail Determinations

The Committee recommended allowing any judge of a court of inquiry to have the ability to set a bond and allowing non-elected judges the ability to set bond on bail restricted offenses when they are sitting by designation. The Committee also recommended eliminating bail schedules for family violence offenses. All of these recommendations were accepted by the Reform Council and included in SB 407.

The Council also recommended that arrestees be released on the least restrictive conditions. This recommendation was accepted by the Council and included in SB 407. However, the language was changed during the legislative process to read "not impose excessive bail and shall impose only the conditions reasonably necessary to ensure such person attends court appearances and to protect the safety of any person or the public given the circumstances of the alleged offense and the totality of circumstances."

Effective Pretrial Release

A recommendation to establish authority for pretrial release programs was tabled so that more research could be done. No legislation was created, but the Judicial Council may wish to consider changing uniform court rules to follow this recommendation. The recommendation for funding risk assessment tool pilot programs was not accepted by the Reform Council. The Committee also recommended establishing a uniform definition of failure to appear, but this recommendation did not result in any new legislation. The Council agreed to accept the Committee's recommendation of a statewide judicial inquiry system, but the Council also agreed that this recommendation was aspirational. Many aspects of a statewide judicial inquiry system will be included in the Criminal Justice Data Exchange.

The Reform Council accepted the recommendation that courts increase the use of electronic reminders, and court notices be exempt from the opt in requirements of text messages. These recommendations did not require new state legislation.

Conclusion and Next Steps

While significant changes have been made to Georgia's misdemeanor bail laws, there is still much work to be done. More data is needed to establish which pretrial practices are most effective. Additional work in the use of misdemeanor citations is needed to establish a workable and efficient citation system for non-traffic misdemeanors. Further efforts should be made in the study of risk assessment tools as these tools develop. While these tools are no substitute for judicial

Best Practices

In addition to legislative recommendations, the Committee recommended a set of best practices that do not require legislation, but which, if adopted, will lead to more effective and just bail practices.

First among these is the promotion of judicial education on bail reforms and best practices for pretrial release. This can be accomplished through ICJE as well as bench cards.

The Committee recommended that the Judicial Council create a committee to institute a system of data collection in order to determine the effectiveness of various pretrial practices. During its research, one of the problems consistently encountered by the Committee was a lack of statewide data on bail practices, and further study and data is needed in this area. The Committee also recommended the establishment of a statewide repository of bond schedules.

The Committee saw the need for courts to have additional options for pretrial release, and it was recommended that the Uniform Superior Court Rules be updated to effect this change.

discretion, they can assist judges in making bail decisions provided the tool has been properly validated for effectiveness and lack of bias. Felony bail reform was not within the scope of this Committee, but it is clear that reform in this area of law and court practices is needed as well.

The Judicial Council Ad Hoc Committee on Bail Reform respectfully submits this report to the Judicial Council.

Committee Members, Technical Advisors & Staff

The committee, which was led by Chief Judge Wayne M. Purdom of DeKalb County State Court, included members from the Superior Court, State Court, Magistrate Court, Probate Court and Municipal Court.

Committee Members

- Chief Judge Wayne M. Purdom, DeKalb County State Court (Chair)
- Chief Judge Brenda Weaver, Appalachian Circuit Superior Court
- Senior Judge Melodie Clayton, Cobb County State Court
- Chief Judge Russ McClelland, Forsyth County State Court
- Chief Judge Ben Studdard, Henry County State Court
- Judge Mark Mitchell, Thomas County State Court/Thomasville Municipal Court
- Judge Michael Barker, Chatham County Magistrate Court
- Chief Judge Robert Turner, Houston County Magistrate Court
- Chief Judge Berryl Anderson, DeKalb County Magistrate Court/Decatur Mun. Crt.
- Chief Judge W. Allen Wigington, Pickens County Magistrate Court/Probate Court
- Judge Rooney Bowen, Dooly County Probate Court
- Judge Matthew McCord, Stockbridge Municipal Court
- Chief Judge Mary Kathryn Moss, Chatham County Magistrate Court

Supreme Court Liaison

- Justice Michael P. Boggs

Technical Advisors

- Bob Bray, Executive Director, Council of State Court Judges
- Sharon Reiss, Executive Director, Council of Magistrate Court Judges
- Tracy “T.J.” BeMent, District Court Administrator, 10th Judicial District

Administrative Office of the Courts Staff

- James Rodatus, Policy Analyst
- Robert Aycock, Trial Court Liaison

Foreword

The committee would like to extend its appreciation for the hard work and effort of all of its members, technical advisors and project staff. Thanks goes as well to the stakeholder representatives and others who have shared their thoughts. And finally, the committee thanks both the Judicial Council/Administrative Office of the Courts and the Criminal Justice Reform Council for supporting the committee in its mission.

Committee Mission

Research nationwide bail practices, interview interested stakeholders in Georgia, and produce a report on the Committee's findings to be shared with the Judicial Council, and the Council on Criminal Justice Reform.

Committee Goal

Review current misdemeanor pretrial detention, bail and release in Georgia to make recommendations for possible reforms with a focus on maintaining current practice, but allowing greater options ("tools") for judges to be able to use locally. The Committee's goals in considering changes to bail practices were threefold:

- 1) Maximize public safety;
- 2) Maximize pretrial appearances;
- 3) Maximize personal liberty.

Summary of Activities

In addition to numerous meetings, conference calls and discussions, the committee received technical assistance, conducted a site visit, and received input from numerous stakeholders.

Technical Assistance Invitees and Site Visits

- ❖ Pretrial Justice Institute
- ❖ Fulton County Pre-trial Services Office
- ❖ Georgia State University Law School's Center for Access to Justice
- ❖ University of Georgia Law School
- ❖ New Jersey Administrative Office of the Courts
- ❖ Kentucky Administrative Office of the Courts – Pretrial Services

Stakeholder Invitees

- ◆ Georgia Sheriff's Association
- ◆ Georgia Association of Chiefs of Police
- ◆ American Civil Liberties Union
- ◆ Southern Center for Human Rights
- ◆ Georgia Association of Professional Bondsmen
- ◆ Georgia Municipal Association
- ◆ Association County Commissioners of Georgia
- ◆ Prosecuting Attorneys' Council
- ◆ Georgia Association of Solicitors-General

Information Gathering Efforts

- ✓ Legal analysis of pending litigation around the country (GSU Law School)
- ✓ Review of bail and pretrial detention in Houston, TX (UGA Law School)
- ✓ Current bail and bond practices in Georgia (Survey of over 275 judges)
- ✓ Review of articles, caselaw, and research
- ✓ Review of possible statutory and rulemaking changes

Enacted Legislation – SB 407

During the course of several months, the members of the committee met with representatives of various stakeholder groups and developed a set of recommendations. These recommendations were presented to the Criminal Justice Reform Council, which reviewed them and incorporated several into SB 407. This bill was part of Governor Nathan Deal's criminal justice reform package during the 2018 legislative session. The language of SB 407, including provisions relating to bail reform, was revised during the legislative process prior to the bill receiving final passage.



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Chief Judge William T. Boyett, Chair
Judicial Council Standing Committee on Grants

RE: Legal Assistance to Victims of Domestic Violence

DATE: July 23, 2018

The Judicial Council Standing Committee on Grants, met on June 19th and awarded grants totaling \$2,425,000 to eight nonprofit agencies after a competitive application process. The funds are used to provide direct civil legal assistance to low-income Georgia victims of domestic violence and their children. In May, the Committee decided to add divorce as an included service, with the amount grantees may spend on divorce being capped at 10% of the awarded funds for each grantee.

For Fiscal Year 2019, the following nonprofit agencies received grants:

Atlanta Legal Aid Society	\$699,504
Cherokee Family Violence Center, Inc.	\$9,000
Gateway House	\$10,365.00
Georgia Legal Services Program	\$1,604,038
Northeast Georgia Shelter Collaborative (NOA)	\$47,385
Northwest Georgia Family Crisis Center, Inc.	\$36,921
Southwest Georgia Victim's Assistance Alliance	\$ 5,000
Wayne County Protective Agency/Fair Haven	<u>\$12,787</u>
TOTAL FUNDS AWARDED	\$2,425,000



Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Chief Judge W. Allen Wigington, Chair

RE: Strategic Plan Standing Committee Report

DATE: July 20, 2018

The Strategic Plan Standing Committee received a written update on several key initiatives in lieu of its scheduled July 10, 2018 meeting. A summary of the update is below. The next scheduled meeting of the Committee is September 18, 2018 at the State Bar of Georgia.

Initiative 2 – Promote the Use of Technology as an Effective Communication Tool:

Committee members voted to move the Georgia Courts Journal from a quarterly newsletter to a monthly newsletter. Sending a monthly newsletter may help increase the level of readership as information will be more up to date. Current Journal open rates have been staying consistent at 25% to 30%, which is normal by industry standards. However, the Journal has a low click rate, about 7%, which means about 30% read the initial email but many do not click to go deeper into the articles. With a quarterly newsletter, information can be stale by the time the newsletter is transmitted. Sending a monthly newsletter may help increase the level of readership as information will be more up to date.

Initiative 4 – Encourage Ongoing Executive and Legislative Branch Communications

The Standing Committee on Legislation is preparing for the 2019 legislative session. Legislative staff will regularly communicate with court councils and legislative and executive branch partners in the months leading up to the session.

Initiative 5 - Modernize Court Information Collection and Workload Assessment:

AOC Office of Research and Data Analysis has developed the Georgia Court Caseload Dashboard to modernize data collection and make data presentations more interactive. Features of the Dashboard are illustrated in the attached document.

Initiative 8 - Monitor and Share Trends and Best Practices of Interest to the Judiciary:

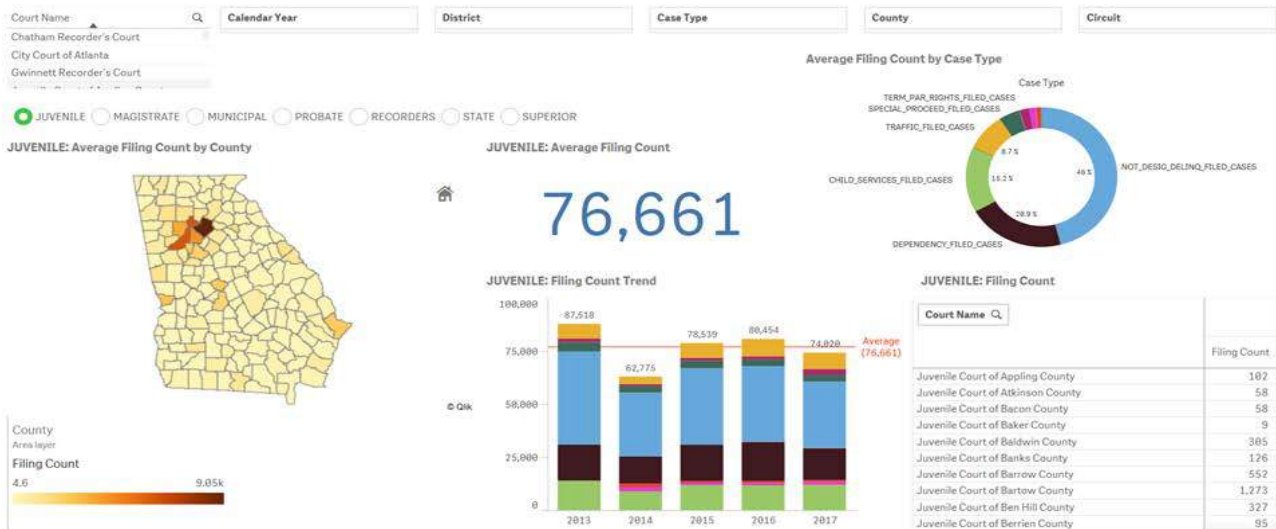
As part of Initiative 8, staff of the AOC's IT Department attended the 2018 GTA Technology Summit on July 11, 2018. The Summit focused on cyber security issues including cybercrime, the dark web, and cybersecurity workforce development. Governor Deal kicked off the event with the Grand Opening of the Georgia Cyber Center - <https://cybercenter.georgia.gov/>. AOC staff will provide the Committee with a summary of the most pressing issues discussed at the Summit at the next Committee meeting.

Initiative 9 – Assist the Judiciary in Business Continuity and Leadership Succession Planning:

The Sub-committee on Emergency Preparedness and Continuity of Judicial Operations met May 1, 2018 at the State Bar of Georgia to review proposed revisions to the 2005 Judicial Council of Georgia Emergency Operations Plan. Work continues on the document including an update to the 2009 Georgia Pandemic Influenza Bench Guide. Additional revisions will be made by staff for the Sub-committee's review. The next meeting scheduled Sub-committee meeting is August 14, 2018 at the State Bar.

1. **Customizable** – From one screen, the user can toggle between data from all seven classes of court. The dashboard furnishes caseload data based on the user's selections.

Caseload dashboard mockup

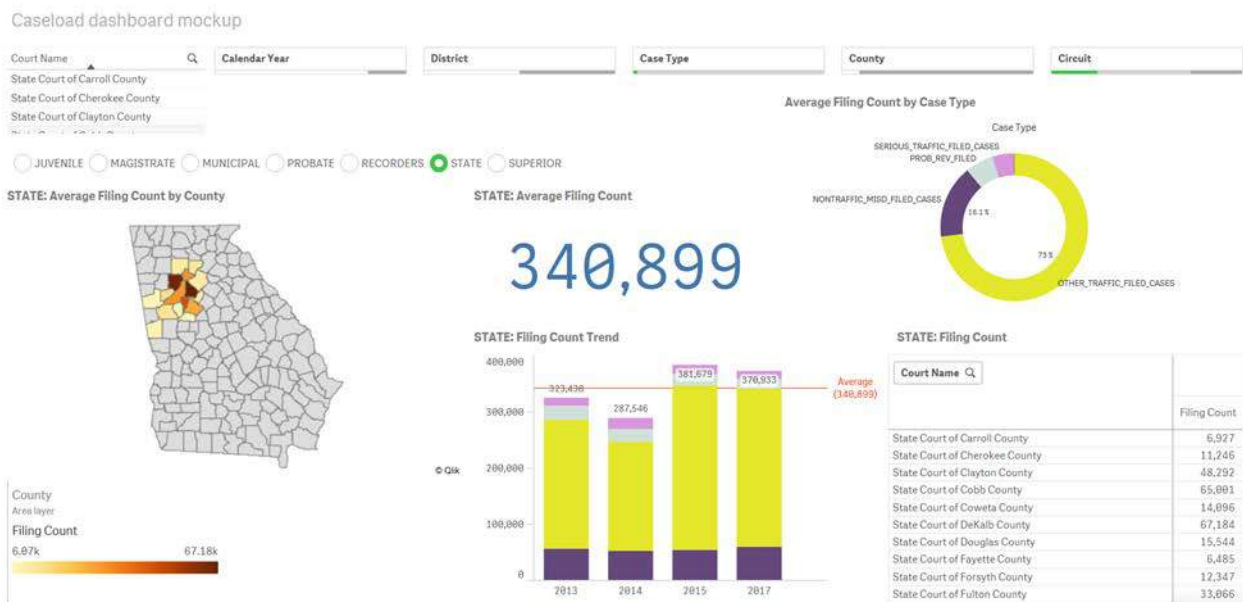


2. **Key Performance Indicators** – Average filings, map of caseload filings, pie chart breaking down percentages for each category, and stacked bar charts show how totals trend over time are all clearly visible on one screen.

Caseload dashboard mockup



- Intuitive Navigation** – Users can easily select which years to view and can narrow selection down to show only counties/circuits that are of interest.



- Time-Saving** – PDF spreadsheets are inefficient. Users can analyze and compare data points at the click of a mouse without having to navigate through the pages of a static spreadsheet. Users can easily interpret data visualizations in a holistic fashion.





Judicial Council of Georgia

Administrative Office of the Courts

Chief Justice P. Harris Hines
Chair

Cynthia H. Clanton
Director

Memorandum

TO: Judicial Council of Georgia

FROM: Michelle Barclay, Division Director

RE: AOC's Communications, Children, Families, and the Courts Division

DATE: August 8, 2018

The Communications, Children, Families and the Courts Division of the AOC serves as the hub for all communications and provides staff for the Supreme Court of Georgia Committee on Justice for Children, chaired by Justice David Nahmias; the Georgia Commission on Child Support, chaired by Judge Michael Key; and the Access, Fairness, Public Trust and Confidence Committee of the Judicial Council, co-chaired by Justice Robert Benham and Justice Carol Hunstein, of which Justice Britt Grant and Justice Michael Boggs are now both committee members; as well as grant funded work related to children and families. This Division assists with general grant research for courts in partnership with the legal staff in the Director's Division. Staff also serves as a liaison to the Georgia Commission on Family Violence (GCFV), chaired by Holly Tuchman, and the Council of Accountability Court Judges with Judge Brenda Weaver as its current Chair.

Following is a brief synopsis of the work.

- **Committee on Justice for Children (J4C):** Former Juvenile Court Judge Jerry Bruce is the program attorney for the J4C. Grant funding for 2018 has begun which will last until December 30th, 2018. Federal funding is in place through 2021. Due to an increased demand for J4C expertise and assistance from all juvenile court stakeholders, J4C recently hired a second full-time child welfare attorney, Peter Faile. The priorities for now include:
 - **Multi-Disciplinary Child Abuse and Neglect Institute (MD-CANI):** this is a Georgia-specific iteration of a national training for judges provided by the National Council of Juvenile and Family Court Judges. MD-CANI Part 1 took place in August 2016 and brought together stakeholders from across the state for a two-day introduction to the CANI curriculum. Part 2 is an intensive, two-day immersion training in local jurisdictions, now expanded to include judges and all stakeholders, and covers the law and best practices in the first 75 days of a

dependency case. As of July 2018, we have provided MD-CANI Part 2 to 7 jurisdictions, with training for 3 more jurisdictions planned for August and September 2018.

- The Court Process Reporting System provides a daily snapshot of data relating to every child in foster care, allowing judges, attorneys, and CASAs to stay up-to-date on every factor related to the child's permanency plan. The system also allows for uploading and e-filing of court orders, which are then sent to DFCS every day, allowing for improvement of outcomes when the State seeks federal reimbursement for a portion of foster care expenses. Beginning fall of 2018, CPRS will receive uploads from all DFCS SAAGs of every court order in the state. These orders will be available to DFCS the next business day, and is expected that this innovation will enhance Georgia's ability to draw down federal IV-E reimbursements.
- The Cold Case Project, jointly managed by J4C and the Office of the Child Advocate, identifies foster care cases which are not moving toward permanency and convenes a series of permanency round-table meetings to brainstorm solutions to permanency roadblocks.
- The Peer Review Project, also jointly managed by J4C and the Office of the Child Advocate, sends child welfare law experts to view dependency proceedings in juvenile courts around the State. The Peer Reviewers evaluate hearing quality and attorney function using a national best-practice model. Each court receives a written evaluation with recommendations, and regional trainings are offered for attorneys to address issues revealed during the reviews.
- The Court Improvement Initiative is a twice-yearly meeting group composed of leading juvenile court judges and their stakeholders. J4C reviews the best-practice model with each jurisdiction individually, and at the meetings each jurisdiction reports on its efforts to implement best practices. Each meeting includes a session for judges at which data for each jurisdiction are reviewed and moderated discussions are held on best-practice implementation in light of needs revealed by the data.
- J4C also sponsors two awards for child welfare attorneys and one for DFCS case managers to highlight the importance of this work. The second annual awards were given at the State Bar annual meeting in June 2018.
- A Georgia Child Welfare Law Specialist meeting was held on Oct 12-13, 2017; attended by over 40 GA attorneys who have become CWLS certified. Another meeting is planned for October 2018.
- J4C and OCA sponsored a statewide Summit that took place November 27-29, 2017. It was attended by judges, attorneys, DFCS case managers and supervisors, CASAs, service providers, and other stakeholders. Planning for the second annual Summit, to be held in December 2018, is ongoing.
- J4C provides expertise on a wide range of juvenile court topics at state and national conferences.
- **The next meeting will be on September 28, 2018. See: j4c.georgiacourts.gov**
- **Communications:** Improving communication can improve justice in all Georgia courts through collaboration and innovation, so it remains a priority under the Judicial Council Strategic Plan. Staff works daily to promote and even generate positive content about

Georgia's judicial branch, all courts, and judges. Our aim with this content continues to instill faith in our state's system of justice and the rule of law. Daily and periodic tasks within Communications include writing the JC/AOC Annual Report- <https://jcaocannual.report/>, monthly (which is new) publishing the Georgia Courts Journal- <http://journal.georgiacourts.gov/>; maintaining the Georgia Courts Directory- <http://georgiacourts.knack.com/gcd2/>, assisting with drafting and distribution of press releases; updating Judicial Council materials; providing substantive content for our Facebook/Twitter pages and the JC/AOC website (<https://www.facebook.com/GACourts>; <https://twitter.com/Gacourts>) and <http://georgiacourts.gov>; taking photos and drafting daily messages for events and communications. We also have a livestream channel <https://livestream.com/accounts/15641258> with a number of archived events.

- **Child Support Commission:** The Commission staff works collaboratively with Georgia's Department of Human Services in several areas, including supporting the Parental Accountability Courts (PAC) and general support for the process and the law surrounding child support.
 - We continue to support and train PAC coordinators on use of the database that has begun giving us statistical evidence of the efficacy of those courts. Our Research Division has done a pilot study of the results of data collected over a three year period, which we have shared with the Division of Child Support Services (DCSS) We are awaiting permission from the DHS Commissioner to circulate to all of the PAC judges.
 - HB 654 was attached to DCSS bill, SB 427, and has passed. This reinstated the Commission's original language and intent regarding use of multiple child support worksheets. We are training attorneys accordingly.
 - Courts, attorneys, mediators and the public are using the new online calculator; the only issue continues to be internet connectivity within the courthouses around the state. The Excel calculators will be retired on September 30, 2018. Commission staff is training users on the new calculator throughout the state, and has videos available on its website for use by self-represented litigants. We have added to our trainings an update child support case law, use of the low income deviation, and income withholding.
 - Staff has begun work on its quadrennial federal guidelines review, collecting data from child support orders from October 2017 from twelve courts selected by economic experts. The data has been sent to Dr. Jane Venohr, our forensic economic expert, for review and recommendations. <http://csc.georgiacourts.gov>.
- **Access to Justice Committee (A2J):** The mission of the A2J Committee is to improve the public's trust in the judicial branch by focusing on access and fairness through the elimination of systemic barriers related to gender, race, ethnicity, sexual orientation, national origin, disability, indigence, and language. The name of the Committee officially changed to "Access to Justice" on July, 1st, 2018; for the sake of brevity and to align with similarly named judicial committees and commissions nationally. Our Committee is co-chaired by Justice Benham and Justice Hunstein, is currently working on the following various projects:

- Judicial trainings on Inclusion & Human Trafficking (Ethics Panel) have begun during the Municipal, Juvenile and State Courts Annual Training conferences, as required by the State Judicial Institute grant. We have confirmed all speakers and the agenda for each class of court.
- Judge Rodatus and Georgia State University Law Student, Timur Selimovic, who is also a fellow with the University's Center for Access to Justice, and previously interned with the A2J, finalized the tool kit for Georgia Judges that will provide information on a variety of self-help service delivery models. This tool kit was presented to the A2J members at the February and May meetings for feedback. The tool-kit is undergoing a few minor corrections with the assistance of our new intern from Georgia State Law School, Nicholas Gettys, and should be finalized by late July.
- Judge Dear-Jackson who serves as the Council of Municipal Court Judges (CMuCJ) representative for A2J, along with LaShawn Murphy and Tabitha are working to prepare a survey to collect data so that a Best Practices Guide can be developed and to assist in the development of a state-wide remote access system. The second draft of surveys has been internally distributed for review, and we plan have the surveys finalized and available for their Annual Conference in October.
- Our Committee is partnering with and has adopted the State Bar's Justice for All Strategic Plan and suggested projects. Foundational work of strategic plan was initiated at our May Summit, a follow-up to our 2016 Summit (GA Reflections on Ferguson): GA Reflections on Access and Fairness in the Courts. Part 2: Engaging the Faith Community. We were able to identify various religious organizations throughout the State of Georgia and the rural community to participate in the event and study. We successfully conducted foundational surveys and fact-gathering interviews with the faith-based community leaders to assess their current practices, and/or find out if there are any in place. In the near future, we will begin assisting with creating a prototype Law Library at the local level for assisting self-represented litigants. This work will include a combination of strengthening local law libraries, online forms for self-filing, local pop-up legal clinics, and low bono models of attorney representation, with the assistance of Mike Monahan, Judge Christina Blum, Georgia Technology Authority, Judge Ramsey and the Director from the Dougherty County Law Library. Additionally, the AOC's research division will create and assist with the metrics of the model's effectiveness.
- The A2J internally distributed for review, the third draft form of the production of a Georgia-specific guide for judges on the Servicemembers Civil Relief Act. The AFPTCC is partnering with Emory University, Georgia State University and the State Bar of Georgia Military-Veterans Law Section on this project, and we are on schedule to have final draft available for review in September. We recently began work to create a bench card to couple with the Guide. Similar guides have been created in other states, and you can find one similar state-specific guide at this link: https://mckinneylaw.iu.edu/practice/clinics/_docs/IndianaJudgesGuide.pdf. Any judges interested in learning more about the project or possibly participating

in the project should contact Tabitha Ponder at tabitha.ponder@georgiacourts.gov.

- Lastly, Judge Cassandra Kirk, along with Judge Jane Morrison and a few other A2J members are in the initial stages of reforming our Judicial Diversity working group. The current goal of the work group is to identify any and all possible gender and racial disparities within our judicial/legal system throughout the State of Georgia.
 - Our next Committee meeting is scheduled for: **September 19, 2018, 11:30 a.m. to 2:00 p.m. <http://afptc.georgiacourts.gov/>**
- **Family Violence Grants:** In addition to serving as liaison to the GCFV as mentioned previously, the staff in this division works with multiple state partners on to address family violence case improvement. A Criminal Justice Coordinating Council (CJCC) Violence Against Women Act (VAWA) grant was used to bring a national Domestic Violence training to Georgia's judges from October 22-25, 2017. Staff also provides limited support to the state funded civil legal services grants for victims of domestic violence.



Council of Superior Court Judges of Georgia

Suite 104, 18 Capitol Square, Atlanta, Georgia 30334
(404) 656-4964 Fax (404) 651-8626

Council of Superior Court Judges Report to Judicial Council August 2018

CSCJ is currently working with staff of the Institute for Continuing Judicial Education to plan the summer conference at the Jekyll Island Convention Center from August 27-30, 2018. Attorney General Chris Carr and State Bar President Ken Hodges will be luncheon speakers. Approximately 250 active and senior superior court judges are expected to attend the conference. Topics will include: Child Support Guidelines and parenting plans; criminal evidentiary issues (multi-defendants, child molestation, and parameters for forensic investigations); business and employment law; presiding over a criminal trial (pre-trial issues, jury selection, opening statements, presentation of evidence, closing arguments and post-trial duties); Daubert (when, where, and how); an update on the Judicial Retirement System; pre-trials with judges in civil cases; and misdemeanor bail reform and pretrial release.

In response to the passage of House Resolution 993, CSCJ President Judge Stephen Kelley created the Special Committee on Business Courts to explore the feasibility of implementing business courts state-wide. If the State Constitutional amendment passes, then a superior court will be authorized where needed to create a business court division for its circuit as provided by law. Judge John Goger chairs the committee and Judge Stephen Schuster, Judge Randy Rich, and Judge Michael Karpf are members. The committee is charged with developing a plan to provide the legislature with alternatives which would accomplish the intent of the legislature to create a process for the efficient resolution of complex business cases at a cost savings to the taxpayer.

CSCJ continues to work on new uniform rules to address the issue of delays on motion for new trial proceedings at the direction of the Supreme Court in *Owens v. State*. CSCJ will submit draft rules to the Court no later than September 17, 2018.

Several new superior court Judges were elected in the May 2018 elections and subsequent July 2018 run-offs: Judge Tony Baker of the Blue Ridge Circuit (replacing Judge Jackson Harris), Judge Ben Karpf of the Eastern Judicial Circuit (replacing Judge Michael Karpf), Judge Tracie H. Cason of the Gwinnett Circuit (replacing Judge Debra Turner), Judge Kay Ann Wetherington of the Rome Judicial Circuit (replacing Judge Tamba Colston), Judge Lisa Lott of the Western Judicial Circuit (replacing Judge Regina Quick), Judge Kevin M. Farmer of the Atlanta Judicial Circuit (replacing Judge Tom Campbell), Judge Tracey Mason of the Gwinnett Judicial Circuit (replacing Judge Tom Davis), Judge Henry Balkcom of the Paulina Circuit (replacing Judge Joe Bishop), and Judge Latisha Dear-Jackson of the Stone Mountain Circuit (replacing Judge Daniel Coursey).

Governor Deal appointed Judge Shukura Ingram Millender to the bench of the Atlanta Judicial Circuit (replacing Judge Alford Dempsey), Judge Victoria S. Darrisaw to the bench of the Dougherty Judicial Circuit (replacing Judge Stephen Goss), Judge Joy R. Parks to the bench of the Enotah Judicial Circuit (replacing Judge Murphy Miller), Judge Lauren A. Watson to the bench of the Northern Circuit (replacing Judge Tom Hodges), Judge Terry N. Massey to the bench of the Ocmulgee Judicial Circuit (replacing Judge Trent Brown), and Judge Lovett Bennett, Jr. to the bench of the Ogeechee Judicial Circuit (replacing Judge William E. Woodrum).



Council of State Court Judges
Impartial Courts • Judicial Excellence • Accessible and Efficient Justice

244 Washington Street, S.W.
Suite 300
Atlanta, GA 30334
404-651-6204 • FAX 404-463-5173

Staff

Bob Bray
Executive Director

Executive Committee

Judge Nancy Bills
President (Rockdale)

Judge Joseph C. Iannazzone
President-Elect (Gwinnett)

Judge T. Russell McClelland
Secretary (Forsyth)

Judge Wesley B. Taylor
Treasurer (Fulton)

Judge H. Gregory Fowler
Immediate Past President (Chatham)

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Judge Gregory V. Sapp (Chatham)

District 2
Judge R. Violet Bennett (Wayne)

District 3
Judge John K. Edwards, Jr. (Lowndes)

District 4
Judge Jeffrey B. Hanson (Bibb)

District 5
Judge Alan W. Thrower (Baldwin)

District 6
Judge John G. Breakfield (Hall)

District 7
Judge Ronald B. Ramsey, Sr. (DeKalb)

District 8
Judge Allen Dee Morris (Cherokee)

Report of the Council of State Court Judges
Judicial Council Meeting
August 8, 2018

State Court judges participated in a follow-up meeting with the staff from the National Center for State Courts and reviewed data gathered from the time and motion study of their work from the fall. State Court judges also participated in Judicial Council Committee meetings on Grants, Judicial Workload Assessment and Technology committees.

Several State Court judges have been meeting again with the Judicial Council Ad Hoc Committee, Chaired by Chief Judge Wayne Purdom of DeKalb County State Court to conclude their final report to the Council.

The Council congratulates Monique Walker of Richmond County; Rhonda S. Colvin-Leary of Gwinnett County and David B. Brown of Henry County on their recent elections to the state court bench and their taking office on January 1, 2019.

The Council congratulates Judge Myra H. Dixon of the State Court of Fulton County for being recognized with the Lifetime Achievement Award for Professional Excellence. Judge Dixon was first appointed to the City Court of Atlanta in 1998 and then to the Fulton County State Court in 1999.

The Council also recognizes Judge Jason B. Thompson of the Fayette County State Court for being recognized by his County Board of Commissioners for his State Court Internship Program. Three high school students assisted daily with administrative duties for State Court and DUI Court. One college undergraduate student coordinated community outreach projects and helped with daily operations of State Court. Funded by ACCG grants, two law students assisted with the court's caseload by performing legal research and writing for outstanding motions.

The Council congratulates Dougherty County State Court Judge Victoria S. Darrisaw on her recent appointment by Governor Nathan Deal to the Dougherty County Judicial Circuit. Judge Darrisaw has been on the state court bench since 2012 and is one of the distinguished authors of our State Court Benchbook. We send our best wishes to her on her new appointment as a superior court judge in the community she has served for many years.

New Officers and District Chairs were recently elected at our Spring Conference in May. Officers are President Judge Nancy Bills (Rockdale); Judge Joseph Iannazzone (Gwinnett); Judge T. Russell McClelland (Forsyth); Judge Wesley B. Tailor (Fulton) and Judge H. Gregory Fowler (Chatham) serving as Immediate Past President. Judge Jeffrey B. Hanson was elected Chair of District 4 and Judge Ronald B. Ramsey, Sr. was elected Chair of District 7.

Governor Nathan Deal recently appointed Forsyth County State Court Judge Leslie Abernathy-Maddox to serve on the Commission on Family Violence beginning next month.

The Council of State Court Judges is now trending on Twitter! Follow us @CSCJofGA and see the great work of our state court judges in action in their communities.

Respectfully submitted,

Nancy Bills

Judge Nancy Bills
President, Council of State Court Judges



COUNCIL OF JUVENILE COURT JUDGES OF GEORGIA

Judge Philip B. Spivey, *President*
Judge Juliette Wiltshire Scales, *President-Elect*
Judge Lisa C. Jones, *Vice President*
Judge C. Gregory Price, *Secretary*
Judge Render Heard, *Treasurer*
Judge James R. Whitfield, *Immed. Past President*

Judge LeRoy Burke, III, *District 1*
Judge Joshua Bell, *District 2*
Judge Deborah Edwards, *District 3*
Judge Maureen Wood, *District 4*
Judge Phillip Jackson, *District 5*
Judge Bobby Simmons, *District 6*
Judge Michelle Harrison, *District 7*
Judge Stephanie Burton, *District 8*
Judge Jan Wheeler, *District 9*
Judge Sheri Roberts, *District 10*

Eric J. John, *Executive Director*

REPORT OF THE COUNCIL OF JUVENILE COURT JUDGES JUDICIAL COUNCIL MEETING AUGUST, 2018

This past legislative session, HR 1260 created the House Study Committee on Juvenile Court Judges. The committee is comprised of ten members: 3 members appointed by the Speaker; 2 members appointed by the Council of Juvenile Court Judges (CJCJ); a superior court judge who previously served as a juvenile court judge, appointed by the Council of Superior Court Judges; the Commissioner of the Department of Juvenile Justice (DJJ) or designee; the Executive Directors of the Prosecuting Attorneys' Council and Public Defenders' Council or their designees; and one Special Assistant Attorney General (SAAG). The committee will review current laws regarding juvenile court judges, such as the method of selection, compensation, qualifications, and governance. The committee's report may or may not result in new legislation. Juvenile Court Judge Philip Spivey and Juvenile Court Judge Jan Wheeler will serve as appointees of the CJCJ.

The Judicial Council Standing Committee on Criminal Justice Reform, to be chaired by Justice Michael Boggs, will be charged with complying with the directives within SB 407, passed during this year's legislative session, relative to the duties of the Judicial Council and to provide ongoing statewide judicial leadership regarding previous criminal justice policies enacted upon the recommendations of the Criminal Justice Reform Council from 2011-2018. Justice Boggs has selected Chief Juvenile Court Judge Juliette Scales to represent the Council of Juvenile Court Judges on the new committee. The first meeting will be held in August 15.

In addition, as part of SB 174, the Family Treatment Court Division of the Council of Accountability Court Judges (CACJ) and the County Departments of Family and Children Services (DFCS) are required to collaborate with the family treatment courts (FTC) to establish a written protocol to assess cases involving substantiated reports of abuse or neglect for possible referral to FTCs. The assessments are to be consistent with the CACJ certification requirements and include sufficient criteria to determine the need for substance abuse treatment. Through the combined efforts of the DFCS, CACJ, and the FTC judges, a written referral protocol has been approved which will be piloted this summer in Chatham, Athens-Clarke, and Hall Counties, with roll-out state-wide to take place in the fall of this year.

The CJCJ is currently interviewing individuals for the position of our CHINS Coordinator that was created and funded by the legislature this past session. This position will facilitate the state-wide policies and practices of the CHINS population. CHINS is a new area of juvenile law which was established with the adoption of the Juvenile Code in 2014. With the benefit of some experience, modification and improvement of the statutory provisions, the state coordinator position will enhance a more uniform approach state-wide to these cases as opposed to an individualized unconnected local judicial circuit approach to this issue.

Although the legislature did not act on the bill governing the use of shackles on juveniles in court, Rep. Mary Margaret Oliver has expressed the intention to reintroduce the bill during the next session. A proposed Juvenile Court Uniform Rule relating to the use of restraints on juveniles has been referred to the appropriate committee of the CJCJ and the President of the Council has asked the committee to report to the Council as a whole for a vote at the Council meeting in the fall.

The JDEX Project seeks to combine the two major repositories of data on juveniles currently in use in the state. JDEX is now in full training mode for the following pilot courts (Athens-Clarke; Chatham; Clayton; DeKalb; Douglas; Dougherty; Floyd; Fulton; Glynn; Gwinnett; Bibb; Muscogee; Newton; Rockdale, and Troup Co.). Pilot Courts include those participating in the Juvenile Detention Alternative Initiative (JDAI). Training is being spearheaded by the UGA's, Carl Vinson Institute of Government (CVIOG) in coordination with the JDEX Committee. JDEX piloting began in June 2018 and is expected to extend through October 2018. The MOU between DJJ, AOC, CJCJ, and Criminal Justice Coordinating Council (CJCC) has been extended. As of last report, we have over 97,700 cases as to delinquent children in the JDEX database with both DJJ and JCATS submitting DAI's, PDRA's, and offense histories. This new resource will allow our intake officers and courts to confirm cross-jurisdictional youth records. The JDEX Committee is planning for statewide implementation of the JDEX database and access system by November/December 2018.



Council of Probate Court Judges of Georgia

Judge Sarah Harris
President (Macon-Bibb)

Judge T. J. Hudson
President Elect (Treutlen)

Judge Kelli Wolk
First Vice President (Cobb)

Judge Darin McCoy
Secretary-Treasurer (Evans)

Judge Rooney Bowen, III
Immediate Past President (Dooley)

Report to Judicial Council of Georgia August 8, 2018

The following is a summary of activities and current initiatives by the Council of Probate Court Judges:

2018 Leadership Retreat

Our annual Leadership Retreat was held May 23-25 at Barnsley Resort in Adairsville. Over the course of the retreat, we had the opportunity to discuss several of our major initiatives and to game out our strategic focus for the coming year. It was also a great opportunity for us to fellowship, as this was our most well-attended retreat. We are thankful for the hospitality that was shown to us by Representative Christian Coomer, Adairsville Mayor Kenneth Carson, Adairsville City Manager Pam Madison, Bartow County Chief Magistrate Judge Brandon Bryson and our colleague, Bartow County Probate Judge Barry Greene.

2018 Traffic Seminar

This year's Traffic Seminar was held May 30-June 1 in Columbus. This was the second portion of our newly implemented traffic certification program. All eighty-eight of our judges who have traffic jurisdiction were in attendance. Our Council owes a huge debt of gratitude to Superior Court Judge Wade Padgett of the Augusta Judicial Circuit. Judge Padgett devoted a significant amount of time and energy to preparing for his days of instruction, which included the composition of a benchbook for traffic judges. The reaction to his contribution has been overwhelmingly positive and we are pleased that he will continue to be a resource to us in the future.

Judge Donald Boyd

We would like to wish Judge Donald Boyd well, as he retired at the end of June after serving for 18 years as the probate judge in Troup County. All told, Judge Boyd served Troup County for 23 years and he is beloved in his community and among his colleagues. Judge Boyd has been succeeded by Judge Debbie Wade, who previously served as his associate judge. We are confident that Judge Wade will be as engaged as Judge Boyd was during tenure and we wish her well.

Respectfully submitted,

Judge Sarah Harris
President, Council of Probate Court Judges of Georgia



Council of Magistrate Court Judges

244 Washington St., S.W., Suite 300, Atlanta, GA 30334-5900
(404) 656-5171 • Fax (404) 651-6449
Georgiamagistratecouncil.com

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Cobb County

2nd Vice-President
Judge Michael Barker
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Judge Phinia Aten
Judge Curtis Miller

District Five
Judge Lillian Caudle
Judge J. Jessy Lall

District Six
Judge Marcia Callaway-Ingram
Judge Rebecca Pitts

District Seven
Judge Brandon Bryson
Judge Jennifer Inmon

District Eight
Judge Mike Greene
Judge Connie Holt

District Nine
Judge Bill Brogdon
Judge Gene Cantrell

District Ten
Judge Caroline Power
Judge Deborah L. Green

Members-at-Large
Judge Alex Atwood
Judge Betsey Kidwell

July 27, 2018

Report from the Council of Magistrate Court Judges

The Council of Magistrate Court Judges has had a busy few months. The Officers met in mid June for their planning meeting for the year. They set the next FY corporate budget, discussed training options, met with ICJE to review procedures and also Tyler to discuss new projects. The Council's current "wizard" project is coming to a close as the last of the forms are being developed into the interview forms. Judge Michael Barker worked tirelessly to develop interviews for Abandoned Mobile Homes, personal property foreclosure and trover. After these are finished the only forms left are Abandoned Motor Vehicles.

Leadership began discussing a possibility to partner with Tyler again for an ADR pilot and will be meeting with the State ADR coordinator to get some information and ideas over the summer. Additionally, the new strategic plan has been implemented and many of the new ad hoc committees have been appointed and begun work. The Council is currently reviewing its bylaws and will be encouraging new judges to participate in the Council by appointing vice chairs to help committee chairs.

The next Chief Magistrate School will be July 15-16, 2019, at Brasstown Valley Resort. The next biannual meeting and training will be at the DeSoto Hotel in Savannah Sept 30-October 2. The Annual Meeting will be held in April 2019 at King and Prince Resort.

Respectfully Submitted by,

Glenda Dowling

Judge Glenda Dowling, President
Council of Magistrate Court Judges



Council of Municipal Court Judges

Report to the Judicial Council of Georgia – August 2018

The following is an overview of recent events, programs, and activities of the Council of Municipal Court Judges (CMuCJ):

Council Meeting Endeavors

The Council's full Executive Committee met on June 19, 2018, at the Marriott Riverfront in Savannah, GA. The Council held its Summer Business Meeting June 21, 2018. The Membership approved Uniform Rules amendments and the 2018 Strategic Business and IT Plan. Presiding Justice Harold D. Melton attended the Business Meeting as the Council's guest speaker and administered the oath of office to the new Council officers and District representatives. Honors were bestowed as follows: The Council awarded its Frost Ward Lifetime Achievement Award to Judge Roger Rozen, City of Marietta and Chief Judge Willie Weaver, Sr., Municipal Court of Albany, was awarded the Special Recognition Award for the Albany Works Program. Judge David Hobby, Municipal Court of Fitzgerald, and former Judge John Cicala were recognized with the Glen Ashman Education Achievement Award, which honors judges that exemplify judicial education through extensive time and effort towards educating municipal court judges and clerks.

Legislation

For the 2019 session of the General Assembly, the CMuCJ plans to seek legislation to amend the mandatory training statute of municipal judges OCGA 36-32-27. The proposed legislation seeks to propose a new section OCGA 36-32-27.1 that will allow for six hours in excess of the number of hours required to be carried over and applied to the next calendar year. Additionally, legislation will be sought to amend Code Section 36-32-2 (a) so as to provide that any individual appointed as a municipal court judge shall serve for a minimum term of two years rather than one year. The initiatives have been brought before the Judicial Council Standing Committee on Legislation.

The CMuCJ will continue its efforts on criminal justice reform through representation on the Judicial Council's Committee on Criminal Justice Reform.

Additionally, the CMuCJ will still actively participate through its representative on the Certiorari Review Subcommittee, whose purpose is to re-examine existing law with an effort to streamline and economize the Courts appellate practice in Georgia. The Council looks forward to the great work to come from this working group to standardize the process for municipal courts.

Uniform Rules Amendments

At its June Business Meeting, the membership voted for adoption of two Superior Court Rules as they relate to municipal courts, and the amendment of an existing municipal court rule: Uniform Municipal Court Rule 11 - Use of Electronic Devices in Courtrooms and Recording of Judicial Proceedings - that relates to the use of electronic devices in courtrooms and recording of judicial proceedings by representatives of the news media and other persons; Uniform

Chief Judge Matthew McCord, **President**

City of Stockbridge
124 Atlanta Street
McDonough, GA 30253
770-879-4981
matt@matthewmccordlaw.com

Judge Dale "Bubba" Samuels, **President-Elect**

City of Franklin Springs & Monroe
bubba@bubbasamuels.com

Judge Willie Weaver Sr., Vice President

City of Albany
wweaverlaw@aol.com

Judge JaDawnva Butler, Secretary

City of Atlanta
JCButler@AtlantaGa.Gov

Judge Keith Barber, Treasurer

City of Statesboro
keithbarber@statesborolawyer.com

Judge LaTisha Dear Jackson **Immediate Past President**

City of Stone Mountain
latishadear@me.com

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Judge Chris Middleton
Judge Billy Tomlinson

District Two

Judge Vernita Bender
Judge Gregory T. Williams.

District Three

Judge Fred Graham
Judge Bill NeSmith

District Four

Judge Garland C. Moore
Judge Davis Will

District Five

Judge Tiffany Carter Sellers
Judge Parag Shah

District Six

Judge J. Kristi Lovelace
Judge Ted Echols

District Seven

Judge Robert Cowan
Judge Nathan Wade

District Eight

Judge Michael Gailey
Judge Tommy J. Smith

District Nine

Judge Pamela Boles
Judge Claude Mason

District Ten

Judge Lori Duff
Judge Ryan S. Hope

The Council of Municipal Court Judges

Municipal Court Rule 14 - Interpreters and the Notification Form; and, the amendment of Rule 12 - Completion of Quarterly Caseload Reports, to update the reporting requirement to annual from quarterly submissions in accordance with the Administrative Office of the Courts timeline. All revisions were formally presented to all Council Uniform Rules Chairs for vetting and will be formally presented to the Supreme Court at the end of the comment period.

Leadership Session

As a critical component in assuring continuity in leadership and the yearly development of the CMuCJ and the services and representation it provides its membership, representatives from the Council are scheduled to meet September 6-7, 2018, in McDonough, Georgia, for a two day session. Held annually following the election of new leadership, the meeting's purpose is for the President to share their vision the upcoming year with officers and key members and to hold discussions regarding any pertinent association initiatives from previous years and those moving forward.

Continuing Judicial Education

The Council is scheduled to hold its Fall Law and Practice Update Seminar October 3-5, 2018, in Athens, Georgia, conducted through the Institute of Continuing Judicial Education (ICJE). The three-day program provides accreditation for those serving as of January 1, 2018 (New Judges), in addition to recertifying judges. Topics of the Law and Practice Update will include Indigent Defense Qualifications & Examples and Judges' Role in Protecting the Indigent; Social Media in the Judiciary; Misdemeanor Bail Reform; Overview of Implicit Bias; Fundamentals of Courtroom Management; Department of Driver Services (DDS) Update; Caseloads: Trends & Reporting Requirements; Fees, Fines & Surcharges in the Adult Probation System; Case Law Update and Evidence.

Next Meeting

The Council of Municipal Court Judges Executive Committee and Business meetings are scheduled for October 4, 2018, in conjunction with the Fall Law and Practice Update Seminar.

Respectfully submitted,

Judge Matthew McCord

President, Council of Municipal Court Judges



Council of Accountability Court Judges

Chief Judge Brenda S. Weaver
Executive Committee Chair
Appalachian Judicial Circuit

Taylor Jones
Executive Director

Council of Accountability Court Judges Report to Judicial Council August 2018

In the time since the Council of Accountability Court Judges (CACJ) last reported to the Judicial Council the CACJ held its annual meeting on June 29, 2018 at the State Bar in Atlanta. During the meeting the CACJ elected its FY19 Executive Committee members, which are listed below:

Chief Judge Brenda S. Weaver, Appalachian Judicial Circuit – **Chair**
Judge Kathelene F. Gosselin, Northeastern Judicial Circuit – **Vice-Chair**
Judge Jason J. Deal, Northeastern Judicial Circuit – **Immediate Past Chair**
Chief Judge Jeffrey S. Bagley, Bell-Forsyth Judicial Circuit
Judge James F. Bass, Jr, Eastern Judicial Circuit
Judge D. Scott Smith, Cherokee Judicial Circuit
Judge Mary Staley Clark, Cobb Judicial Circuit
Judge Verda M. Colvin, Macon Judicial Circuit
Judge Reuben M. Green, Cobb Judicial Circuit
Chief Judge T. Russell McClelland, III, Bell-Forsyth Judicial Circuit
Judge Alison W. Toller, Northeastern Judicial Circuit

Additionally, the CACJ Funding Committee, in conjunction with the Criminal Justice Coordinating Council, and with numerous District Court Administrators met in April to review the FY19 Accountability Court Grant applications. The total amount of funds that were requested by the courts totaled \$33,489,971.

The CACJ was able to award the following amounts to the courts:

- Adult Felony Drug Courts - \$12,772,489
- Adult Mental Health Courts - \$4,959,533
- Veterans Treatment Courts - \$2,186,981
- DUI Courts - \$1,683,032
- Family Treatment Courts - \$2,448,479
- Juvenile Drug & Juvenile Mental Health Courts - \$746,717
- The CACJ also awarded \$1,118,016 in transportation funds to support participant treatment session attendance, court appearances, and drug testing obligations.

The CACJ is also diligently preparing for the 2018 Accountability Courts Training Conference scheduled to be held in September. The CACJ Training Committee has worked to bring together national and local speakers to present on a variety of Accountability Court topics. The CACJ is looking forward to executing another successful training conference in 2018.



GEORGIA COMMISSION ON DISPUTE RESOLUTION

Chair

Judge Charles E. Auslander, III

Chair-Elect

Judge Jane C. Barwick

Executive Director

Tracy B. Johnson

Program Coordinator

Karlie Sahs

Commission Members

Justice Britt C. Grant

Justice Keith R. Blackwell

Judge Amanda H. Mercier

Emily S. Bair, Esq.

Raymond G. Chadwick, Jr., Esq.

Mary Donovan, Esq.

Judge C. Andrew Fuller

Herbert H. (Hal) Gray III, Esq.

Melissa C. Heard, M.S.S.W.

Timothy Hedeon, Ph.D.

Judge Stefani R. Lacour, Esq.

Judge M. Cindy Morris, Esq.

Patrick T. O'Connor, Esq.

Rep. Jay Powell, Esq.

Edith B. Primm, Esq.

Vjollca Prroni Young, LL.M.

The following is an update on the initiatives and activities for the Commission on Dispute Resolution:

Rules for Mediating Cases with Domestic Violence

Since January 2016, the Commission on Dispute Resolution and the Georgia Commission on Family Violence have been working together to update the current guidelines for mediating cases where domestic violence may be present.

Members and staff of both Commissions formed a joint Domestic Violence Guidelines Committee. Other members of the Committee included trainers, researchers, and practitioners in both the mediation and domestic violence communities. Over the last two years, this Committee met on multiple occasions and discussed how improvements could be made to maximize safety for all participants, provide victims a meaningful opportunity for self-determination, utilize best practices, and ensure practical implementation by the court programs. A set of rules were drafted to replace the current guidelines.

Court ADR program directors first reviewed the rules and provided invaluable feedback for revisions. In May 2018, CODR Members voted to present the rules to the GCFV for their support.

On June 22, 2018, the GCFV unanimously voted to support the new rules for mediating cases with domestic violence. The rules will again be presented to the CODR at the August 22 meeting for a final review and vote for approval and implementation.

25th Anniversary CE Events

The Supreme Court Order adopting the original ADR Rules, including creation of CODR and GODR, was filed on January 27, 1993. To celebrate this momentous occasion, the Commission is sponsoring free continuing education events throughout the state beginning in late August. Current plans are to hold three-hour courses in Dallas, Athens, Carrollton, Augusta, Valdosta, Macon, and Hinesville. Court ADR programs have assisted in acquiring venues, and approved trainers are freely donating their time to offer the presentations.

New Trainer Component in Georgia Courts Registrar

The Georgia Courts Registrar, developed and maintained by the JC/AOC, is an electronic means for certain court professionals to satisfy registration, certification, and licensure requirements, as prescribed by their governing organizations. This year the Commission successfully implemented a brand new component within the Registrar for ADR training programs. This advancement is aimed to ease use and enhance user experience for the trainers as well as the general public. The Commission would like to recognize the JC/AOC for their contributions to the successful deployment of the new component.

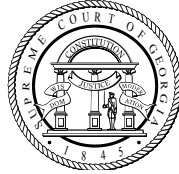
Upcoming Commission Meeting Date

The next Commission meeting date is August 22, 2018, at 2:00 p.m. in Room #1 of the State Bar of Georgia. Meeting information as well as previous minutes are posted on the GODR website at www.godr.org.

CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM

P. Harris Hines, Chief Justice
Supreme Court of Georgia

Karlise Y. Grier
Executive Director



Terie Latala
Assistant Director

Nneka Harris-Daniel
Administrative Assistant

Memorandum

TO: Judicial Council of Georgia

FROM: Karlise Y. Grier, Executive Director

RE: Chief Justice's Commission on Professionalism

DATE: August 8, 2018

The Chief Justice's Commission on Professionalism, the first body of its kind in the nation, was created in 1989 by the Supreme Court of Georgia with the primary charge to enhance professionalism among Georgia's judges and lawyers. Justice P. Harris Hines serves as the current chair of the Commission. Presiding Justice Harold P. Melton and Justice Britt C. Grant serve as Commission Advisors. Judge Horace J. Johnson, Jr. completed his term on the Commission on June 30, 2018, as the representative of the Council of Superior Court Judges. Other judges who serve on the Commission are as follows: Judge Carla W. McMillian for the Georgia Court of Appeals; Judge Susan E. Edlein for the Council of State Court Judges; and Judge Steve C. Jones for the federal judiciary.

The mission of the Chief Justice's Commission on Professionalism is to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public and to fulfill their obligations to improve the law and the legal system and to ensure access to that system. In carrying out its mission, the Commission provides ongoing attention and assistance to the task of assuring that the practice of law remains a high calling, enlisted in the service of the client and the public good. Commission Staff members provide support for both the Commission and the State Bar of Georgia Committee on Professionalism.

In September 2017, the Commission hired a new Executive Director after the retirement of the former Executive Director. The Commission used this period of transition as an opportunity to review the Commission's operations, goals and objectives. As a result of this review, in February 2018, the Commission changed the professionalism surcharge from \$15 per hour to \$15 per year. In addition, after engaging in two strategic planning meetings, the Commission decided to focus on four priority areas for the next three to five years: 1) strengthening professionalism CLE programming; 2) raising awareness about professionalism and the work of the Commission among Georgia's judges and lawyers;

3) promoting access to justice; and 4) managing in a more purposeful manner the use of the Commission's financial resources through sponsorships and grants in targeted areas.

The Commission has also used this period of transition to review its use of technology and to modernize some of its processes and procedures. For example, for the first time in its 26-year history, the Commission used an on-line tool to recruit group leaders for Law School Orientations. The Justice Robert Benham Awards for Community Service were live streamed for the first time in 2018. Judge Carla McMillian served as the Commission's guest tweeter during the Awards ceremony. The Commission is also in the process of transitioning its primary website from gabar.org to cjcpa.org.

During its strategic planning process, the Commission decided that it would concentrate, in part, on promoting access to justice, in keeping with the Commission's mission to ensure access to the legal system. For the next three years, the Commission's Access to Justice goal is to promote meaningful access to the legal system and services by focusing on four objectives as follows:

1. Encouraging attorneys to become more involved in pro bono or low bono services in targeted areas;
2. Increasing the subject matter types (e.g., family law, landlord/tenant, wills) of tools and resources available to self-represented individuals;
3. Increasing the number of locations where tools and resources are available; and
4. Achieving measurable impact in targeted access to justice areas in which the Commission provides resources, pilot projects, or study.

A committee of four Commission members is working to develop recommendations for criteria and procedures for the award of Commission grants and sponsorships, in the hopes that the full Commission will approve the recommendations at the Commission's October 12, 2018, meeting.

Several members of the Commission have worked with Staff to review the Commission's professionalism CLE guidelines and to help Staff ensure CLE providers comply more closely with the guidelines. On June 8, 2018, the Commission organized and presented a CLE at the State Bar of Georgia Annual Meeting entitled *Social Media and Technology for Judges and Lawyers*. On June 30, 2018, the Commission's Executive Director presented and led a panel discussion on ethics and professionalism for the Gate City Bar Association Judicial Section. Staff and several Commission members have been planning the Commission's 2018 Convocation: *Professionalism and the Global Community*, which will take place on November 30, 2018, at the Porsche Experience Center in Atlanta. A flyer about the event is attached for your reference. Planning for the 20th Anniversary of the Justice Robert Benham Awards for Community Service is in its early stages, but the event is already scheduled for March 9, 2019, at the Georgia State University Student Center's State Ballroom.

The above is a summary of some of the work the Commission has undertaken during its July 1, 2017, through June 30, 2018, fiscal year. The Commission looks forward to engaging judges and lawyers on professionalism issues during the upcoming fiscal year.

SAVE THE DATE
NOVEMBER 30, 2018
8:30 a.m. to 5:30 p.m.

(Reception to Follow with Special Invited Guests-Members of Atlanta's Consular Corp)

2018 CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM
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7 CLE hours, 1 Ethics Hour, 1 Professionalism Hour, 3 Trial Practice Hours

WITH LUNCHEON KEYNOTE SPEAKER

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PORSCHE EXPERIENCE CENTER, ATLANTA
1 Porsche Drive, Atlanta, GA 30354

Look for a detailed Agenda and Registration Information soon at iclega.org

The Importance of Lawyers Abandoning the Shame and Stigma of Mental Illness

One tenet of the Chief Justice's Commission on Professionalism's "A Lawyer's Creed" is "To my colleagues in the practice of law, I offer concern for your welfare." If you are aware of a colleague that may be experiencing difficulties, ask questions and offer to help them contact the Lawyer Assistance Program for help.

BY MICHELLE BARCLAY

January is the month when Robin Nash, my dear friend and lawyer colleague, godfather to my child, officiate for my brother's marriage and former director of the Barton Center at Emory University, left the world. Positive reminders of him are all around, including a child law and policy fellowship in his name, but January is a tough month.

Robin's suicide, 12 years ago, was a shock to me. As time passed and I heard stories about Robin from others who knew him and I learned more about suicide, I can see in hindsight the risk looming for him. Today, I think his death was possibly preventable.

In 2006, Robin wrote this essay about himself for Emory's website

"Robin Nash, age 53, drew his first breath, attended college and law school and now works at Emory University. He loves to travel to places like Southeast Asia and the Middle East but he always returns home to Emory and his hometown of Decatur. Robin majored in Economics and Mathematics. He began his law practice in 1980 in Decatur surviving mostly on court appointed cases for mentally ill patients in commitment hearings.

His practice expanded to working with institutionalized developmentally delayed clients, special education cases, wills and estate litigation and representing banks in the hugely interesting area of commercial real estate closings.

In 1995, he was appointed as a juvenile court judge in DeKalb County. He resigned from the bench effective December 2005. He sold most of his personal belongings, paid off his remaining debts and moved overseas to think and travel. After thinking and traveling for three months, he returned to the active world of Decatur. He was appointed director of the Barton Clinic effective April 15, 2006."

When Robin came back from traveling, he told his friends—"I can be more impactful here."—which was and is true. Robin's impact continues today through the work of young lawyers serving as Robin Nash Fellows and through the lives of the thousands of mothers, fathers, daughters and sons he touched, helping people traumatized by child abuse, neglect, addiction and crime.

He was impactful in part because he had so much empathy for others. He was

GETTYIMAGES.COM/BAIONA

well regarded and well loved. He was a person you could count on who did extraordinary things for others—helping a student obtain a TPO in the middle of the night to stop a stalker; quietly helping a refugee family get stable and connected to services; and of course, his consistent care of his friend Vinny. Vinny was a severely disabled adult Robin befriended and with whom he had a deep connection. Because he was a lawyer, Robin was able to help Vinny obtain full access to available medical services without being institutionalized.

So why did Robin leave? He lost his battle with mental illness. He masked it well and as a private person, did not share his struggles. His friends had some insight into his struggles but it was always complicated. While a judge, Robin was known for saying things like, “I am a manager of misery” or “I manage the competition not to serve the most vulnerable families and children.” But he also said, “Talk like this is just dark humor which is a useful coping mechanism for an emotionally draining job.”

I know today that a low serotonin level in his body was dangerous for his depression and that the medications he took waxed and waned in effectiveness. I also now know that he had not slept well for days before he acted. We’d had a work meeting the day before he died where he made a long ‘to do’ list. Who makes a long ‘to do’ list when one is contemplating suicide? Plenty of people, I have learned. I saw that ‘to do’ list on his table when I was in his apartment after his death.

What could have helped? Abandoning the shame and stigma of mental illness is a good start. I have been heartened by the social movement campaign, Time to Change,¹ designed to help people speak up about mental illness. A safety plan shared with a reasonably wide network of people can also help. Antidepressant medications can help. Recent studies about anti-depression drugs “puts to bed the controversy on anti-depressants, clearly showing that these drugs do work in lifting mood and helping most people with depression.”² Science is advancing better treatments at a rapid pace. And some experts advise that directly asking whether a

person has considered killing themselves can open the door to intervention and saving a life.

Before becoming a lawyer, I worked as a nurse in a variety of settings at both Grady and Emory hospitals. I saw attempted suicides. I witnessed a number of those people who were grateful they were not successful. I saw safety plans work when enough people knew about the risks. Sometimes, medicines were changed, new treatments tried and I saw people get better.

I feel like with my background I could have and should have probed Robin more. But at the time, I thought I was respecting his privacy by not asking too many questions. Today I know that a person can be fine one day and then chemicals in their brain can wildly change within 24 hours, and they’re no longer ok. I learned that not sleeping can be deadly. I have also learned that just talking about it can help a person cope.

A book that has helped me is called “Stay: A History of Suicide and the Philosophies Against It,” by Jennifer Michael Hecht.³ If I had a second chance, I would try to use some of the arguments in that book, such as:

None of us can truly know what we mean to other people, and none of us can know what our future self will experience. History and philosophy ask us to remember these mysteries, to look around at friends, family, humanity, at the surprises life brings—the endless possibilities that living offers—and to persevere.

Of course, first I would have just asked about his mental health with love and listened. I still wish for that chance to try. □

Afterword by Chief Justice’s Commission on Professionalism Executive Director Karlise Yvette Grier: One tenet of the Chief Justice’s Commission on Professionalism’s “A Lawyer’s Creed”⁴ is “To my colleagues in the practice of law, I am a colleague. I am a person who is aware of a colleague that may be experiencing a crisis and I am committed to help them contact the Lawyer Assistance Program⁵ for help.

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Michelle and Andy Barday are so grateful to the Emory University community for the grace and care that surrounded everyone, especially the students, when Robin died.

Michelle Barclay, J.D., has more than 20 years experience working in Georgia’s judicial branch. She is currently the division director of Communications, Children, Families, and the Courts within the Judicial Council of Georgia’s Administrative Office of the Courts. Before becoming a lawyer, she was a nurse for 10 years, specializing in ICU and trauma care. Her degrees include a Juris Doctor from Emory University School of Law, a Bachelor of Science in Nursing from Emory University and a Bachelor of Interdisciplinary Studies from Georgia State University. She is also co-founder along with her husband Andrew Barclay of the Barton Child Law and Policy Center at Emory University School of Law. She can be reached at 404-657-9219 or michelle.barclay@georgiacourts.gov.

Endnotes

1. <https://twitter.com/TimeToChange>.
2. See <http://www.bbc.com/news/health-43143889> (last viewed April 2, 2018).
3. See eg, <https://www.amazon.com/Stay-History-Suicide-Philosophies-Against/dp/0300186088> (last viewed April 2, 2018).
4. <https://www.gabar.org/aboutthebar/lawrelatedorganizations/cjcp/lawyers-creed.cfm>.
5. <https://www.gabar.org/committeesprogramsections/programs/lap/index.cfm>.



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MEMORANDUM

TO: Chief Justice and Members – Judicial Council of Georgia

FR: Douglas Ashworth, ICJE Executive Director

RE: Faculty Development Workshop, February 14-15, 2019

DATE: August 8, 2018

I am pleased to report that the State Justice Institute has approved ICJE's grant application to assist with the programming costs of presenting a seminar entitled *Georgia Judicial Faculty Development Workshop: Presenting Courses Effectively*.

The seminar has been scheduled for February 14 – 15, 2019, in Athens, Georgia. Staff members of the National Judicial College will serve as faculty for the event. The grant provides slots for 30 participants. As we meet with Educational Apparatuses this fall, ICJE will ask the leadership of Superior, State, Probate, Magistrate, Juvenile, and Municipal Courts to, using such processes as they each see fit, select up to five individuals from their respective class of court for participation. Both those who currently teach; and who would like to teach, may benefit from faculty development.

ICJE hopes that those who participate in this workshop will serve as faculty for future ICJE courses. Also, ICJE is encouraging each class of court to keep in mind the recently approved ICJE Policy on Faculty Diversity and Inclusion in selecting participants for the workshop.

Overall Learning Objectives: After attending this workshop, participants will be able to:

1. Describe the needs and characteristics of adult learners.
2. Incorporate different learning styles into their presentations.
3. Develop effective and achievable learning objectives.
4. Design effective learning activities that help the students achieve the learning objectives.
5. Plan a presentation effectively.
6. Create visual aids that support their presentations.
7. Present more confidently and effectively after receiving feedback from the instructors and their colleagues.

This workshop will emphasize a "learning by doing" model which ensures that the participants teach on at least one occasion during the workshop. With feedback from both the faculty and fellow participants, the participants will inevitably become better teachers.

A copy of the grant award letter; and, a copy of ICJE's Policy on Faculty Diversity and Inclusion is attached for your reference.

State Justice Institute

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Executive Director

June 18, 2018

Douglas Ashworth
ICJE Executive Director
Institute of Continuing Judicial Education of Georgia
1150 S. Milledge Avenue
Athens, GA 30602

Mr. Ashworth:

On behalf of the SJI Board of Directors, I am pleased to inform you that the Institute of Continuing Judicial Education of Georgia has been awarded a grant to support the application titled, *Georgia Judicial Faculty Development Workshop: Presenting Courses Effectively*. The project has been assigned Grant Number SJI-18-E-030. Please use this number on all correspondence to SJI regarding this grant.

Enclosed are the original and one copy of the Grant Award. Please sign both and return the signed original to SJI. Keep the copy for your records. Please note that SJI's Grant Guideline requires submission of two copies of the progress and financial status reports 30 days after the end of each calendar quarter. Reports must be received in hard copy and should not be emailed. In addition, please review all compliance and financial requirements listed in the SJI Grant Guideline: http://www.sji.gov/wp/wp-content/uploads/FY-2018-Grant-Guideline_Federal-Register.pdf.

Grant payments from SJI will be made through electronic fund transfers (EFTs) or hard checks issued directly from the U.S. Treasury. You are encouraged to participate in EFT since it is a faster form of receiving payment from the U.S. Treasury. Both the Request for Advance or Reimbursement (Form R) and EFT form (SF 3881) can be found on the SJI website: <http://www.sji.gov/forms.php>, in addition to the Form Q – Quarterly Progress Report, and Form F – Quarterly Financial Report.



11951 Freedom Drive, Suite 1020, Reston, Virginia 20190
Phone 571.313.8843 Fax 571.313.1173
www.sji.gov

Douglas Ashworth

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If you have any programmatic or financial questions, please contact SJI at 571-313-8843, or contact@sjj.gov. We look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jonathan D. Mattiello", is written over the printed name and title.

Jonathan D. Mattiello
Executive Director

SENT VIA EMAIL ON 04.09.18

To: Leadership Of ICJE Constituency Groups
Fr: Douglas Ashworth, ICJE Executive Director
Re: ICJE Faculty Diversity & Inclusion Policy

Greetings from ICJE. I am pleased to announce two items of news:

First, the ICJE Board of Trustees unanimously approved a policy on faculty diversity and inclusion at its recent March 9, 2018, Spring Board Meeting. A copy of the policy is attached for your information, and as we continue to build agendas for future events, we ask that you assist us with our goal of recruiting seminar faculty representative of diverse and inclusive backgrounds and experiences.

Second, as one method of enabling this policy, the ICJE Board also unanimously approved moving forward with a grant application for funds to conduct a Faculty Development Workshop. This workshop, taught by Adult Education experts from the National Judicial College, will be an excellent opportunity for individuals who are interested in serving as future presenters. We will know the status of our grant application later this year, and if successful, we will ask each ICJE constituency group to nominate individuals who wish to be future ICJE-facilitated seminar presenters.

ICJE staff will be mentioning both of these items in future educational apparatus meetings, as we make our rounds throughout our constituent groups this year.

Thanking you for allowing ICJE to be of continued service, and with best professional regards,

Douglas G. Ashworth, J.D., Executive Director
Institute of Continuing Judicial Education
University of Georgia
1150 S. Milledge Avenue
Athens, Georgia 30602-5025
Direct Dial 706.369.5793
Fax 706.369.5840
doug@icje.law.uga.edu

Institute of Continuing Judicial Education of Georgia (ICJE)
Policy on Faculty Diversity and Inclusion

It is the policy of the ICJE of Georgia to encourage Diversity and Inclusion in the faculty recruited for ICJE facilitated programming, as a diverse and an inclusive faculty pool with expertise on substantive legal and judicial issues will enhance the success of ICJE-facilitated programming.

This policy shall be communicated by ICJE staff to the leadership of all of the constituencies represented on the ICJE Board of Trustees; and, to the leadership of the educational apparatus of each ICJE constituent group at the beginning of the planning process for each period of programming. The ICJE Board of Trustees requests that ICJE constituent groups and educational apparatuses make every effort to implement this policy.

(Adopted by ICJE Board of Trustees on March 9, 2018)